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**CIVIL SOCIETY IN WALES AND EUROPEAN
UNION POLICY-MAKING**

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requirements of the University of Glamorgan/Prifysgol Morgannwg
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ABSTRACT

This thesis explores the role that civil society plays in European Union policy-making and its democratic effects. It seeks to find out how, why, where and what civil society in Wales engages and does not engage in European Union policy-making. A contextual political opportunity structure (POS) approach is employed to help understand the factors that shape this role. The thesis uses the European Convention as an empirical horizontal case study to compare the role of civil society in Wales in the Convention with civil society's role in more general EU policy-making. The thesis demonstrates that the POS shapes activity, but also that potential opportunities are underused and actor-specific variables shape participation. The effect on democracy is uneven, with shades of corporatism evident both in the kind of organisations involved and in how the POS structures access. The space for a more participatory democracy is limited, with the primacy of representative democracy being reasserted by the actual nature of civil society's participation and the views of policy-makers.

CONFERENCE PAPERS AND PUBLICATIONS

This section lists conference papers and publications arising from this thesis' research.

Cook, D. (2005), 'Bringing the citizens closer to the EU? The role of civil society in Wales in the European Convention', selected for presentation at the *3rd ECPR General Conference*, Corvinus University, Budapest, 10th of September 2005.

Cook, D. (2005), 'Presentation of Work in Progress' delivered at the *European Third Sector PhD Research Network*, Tilburg University, Maastricht, 12-13th of May 2005.

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Cook, D. (2004), 'The European Convention and Civil Society; the view from Wales' selected for presentation at the *6th Conference of the International Society for Third Sector Research*, Ryerson University, Toronto, 14th of July 2004.

Cook, D. (2004), 'Presentation of research findings; European Convention and Wales; the civil society perspective', delivered at the *School of Humanities and Social Sciences Postgraduate Conference*, University of Glamorgan, 10th of June 2004.

Cook, D. (2004), 'Presentation of Work in Progress' delivered at the *European Third Sector PhD Research Network*, Stockholm School of Economics, Stockholm, 27th-30th of May 2004.

Cook, D. (2003) 'Presentation of Work in Progress' delivered at the *School of Humanities and Social Sciences Postgraduate Conference*, University of Glamorgan, 18th of May 2003.

Cook, D. (2003), 'Civil Society theory: abandoning the post-foundationalist pretext' delivered at the *Postgraduate Political Studies Association Post-Graduate Network Conference*, Stirling University, 1st of March 2003.

Cook, D. (2003), 'Presentation of Work in Progress' delivered at the *European Third Sector PhD Research PhD Network*, Trinity College, Dublin, 2nd of February 2003.

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LIST OF ABBREVIATIONS

AM	Assembly Member
AGM	Annual General Meeting
ASPB	Assembly Sponsored Public Body
BBC	British Broadcasting Centre
BSPC	Business Sector Partnership Council
c	Charity
CAA	Computer Assisted Analysis
CAP	Common Agricultural Policy
CBI	Confederation of British Industry
CFR	Charter of Fundamental Rights
CIVICUS	World Alliance for Citizen Participation
CPMR	Conference of Peripheral Maritime Regions of Europe
CoR	Committee of the Regions
COSAC	Conference of Community and European Affairs Committees of Parliaments of the European Union
CSOs	Civil Society Organisations
DCT	Draft Constitutional Treaty
EC	European Communities
ECJ	European Court of Justice
ECOSOC	European Economic and Social Committee
ECSOs	European Civil Society Organisations
EEAC	European and External Affairs Committee
EEAD	European and External Affairs Department
EFA	European Free Alliance
EMU	European Monetary Union
EP	European Parliament
ESC	European Scrutiny Committee
EU	European Union
FCO	Foreign and Commonwealth Office
GMOs	Genetically Modified Organisms
IGC	Inter Governmental Conference
JMC(E)	Joint Ministerial Committee Europe
LGPC	Local Government Partnership Council
mem	Group with individual members
MACs	Movement Advocacy Coalitions
MEP	Member of the European Parliament
MP	Member of Parliament
MLG	Multi-level Governance
NAW	National Assembly for Wales
NGO	Non-Governmental Organisation
POS	Political Opportunity Structures
QMV	Qualified Majority Voting
REGLEG	Group of Regions with Legislative Powers
UKREP	United Kingdom Permanent Representation to the European Union
VSPC	Voluntary Sector Partnership Council

WAG	Welsh Assembly Government
WCVA	Wales Council for Voluntary Action
WDA	Welsh Development Agency
WEC	Wales European Centre
WEF	Wales European Forum
WLGA	Welsh Local Government Association
WPG	White Paper on European Governance
WTUC	Wales Trades Union Congress

INTRODUCTION

WALES, THE EUROPEAN UNION AND CIVIL SOCIETY

Wales is a small nation of just under three million people located on the periphery of Europe (Cole, 2004). Indeed, it is so small and so peripheral that the designers of the Eurostat book in 2004 managed to leave Wales off its cover of a map of the European Union (EU) (see British Broadcasting Centre (BBC) News, 2004). Despite this omission causing much mirth and arguably being the best form of Welsh advertisement in Europe that year, it highlights several key questions and recurring issues about Welsh-EU relations. Namely, is Wales well served under current arrangements in Europe? Would this have happened if Wales had been an independent country? Why does a Welsh-EU relationship exist at all?

These questions have dogged the Welsh political debate on Wales and its role in Europe. Wales' relations with the EU are important for understanding the direction of the nation, yet they can also provide insight into how the EU deals with and impacts upon stateless nations. Wales' peripheral location means it acts as a case that sheds light on the extent of EU engagement in marginalised regions. This thesis seeks to illuminate these dynamics by exploring an under researched area which both the EU and Wales have recently seized upon to aid their democratic legitimacy: civil society. By looking at civil society's involvement in EU policy-making, and the case study of the Convention, the extent to which Welsh-EU relations go beyond the political elite into the fabric of stateless nations will be demonstrated. To situate this discussion this author will give some introductory remarks on the research topic: Wales, its civil society and their relations with the EU and the Convention.

WALES AND CIVIL SOCIETY

Wales has effectively been part of the English union state since its invasion in 1282 (Paterson and Jones, 1999), and officially since the Acts of Parliament of 1536 and 1543 were signed (Richard Commission, 2004). These settlements

provided little room for independence and the traditional institutions that provide the loci for civil society in Scotland of the church, education and legal system were all steadily anglicised in Wales. This historical legacy has resulted in studies of Wales debating what constitutes Wales, Welshness and whether a *Welsh* civil society, as opposed to a British civil society *in* Wales, can in fact be discerned (Day, Dunkerley and Thompson, 2000; Fevre and Thompson, 1999; Osmond, 1995:9, 2003a, 2003b; Paterson and Jones, 1999). Welsh civil society is distinctive in possessing the following Welsh characteristics: nonconformist religion, the Welsh language and high numbers of Trade Union members (Bradbury, 1997:10; Day, Dunkerley and Thompson, forthcoming a).

Tensions over Welsh identity are further afflicted by history, geography and a rural/urban divide. For example, the antiquated Balsom model of Wales splits Wales into “Y For Gymraeg,” “Welsh Wales” and “British Wales” arguing that these parts of Wales have different levels of cultural attachment and national identity (Jones 2002). Such splits in Wales have arguably permeated into civil society in Wales and, combined with a lack of a Welsh institutional platform, may have stalled the emergence of a widespread civil society with a Welsh agenda (Hodgson, 2002). Furthermore, the traditional fabric of civil society in Wales that was perceived to have coalesced around community life (Jones, 1999:18-20) was eroded in late modernity by changes to Wales’ economic base and religiosity (see Jones, 1999). Thus, without a developed sense of cohesive Welshness and changes to Welsh communities, pre-devolution civil society in Wales could be seen to be weak.

The process of devolution in the late 1990s was intended to re-energise democracy in Wales, which was wanting following the unaccountable “quangoisation” of Welsh public services (see Welsh Office, 1997:7). One of the hopes of devolution in Wales was also to generate some sort of a Welsh civil society (Day, Dunkerley and Thompson, 2000:25). Furthermore, a central tenet of the new participative devolved democracy in Wales was to bolster civil society and to include it in policy-making (Royles, 2004:101). Indicative of the absence of a Welsh civil society, the Welsh devolution movement lacked the widescale public and civil society participation so evident in the Scottish Constitutional Convention (Curtice, 1999:121; McCrone and Lewis, 1999). This, together with the slim majority in the referendum¹ for devolution, meant

that the legitimacy of the devolutionary project rested partly on engaging civil society in the National Assembly for Wales' (NAW) work (for example Chaney, Hall and Pithouse, 2001a: 5, place the Assembly's legitimacy in the hands of its engagement of civil society). A further indication of civil society's importance to the new devolved structure is the Assembly's statutory requirement of partnership with the voluntary and the business sectors and also to promote equality of opportunity. Such innovations have led Osmond (2003a, 2003b) to hail the birth of a Welsh civil society occurring around the Assembly structures post-devolution. Thus, empirical research exploring the actual post-devolution relationships between civil society in Wales with political institutions is both necessary and timely.

Studies on post-devolution civil society in Wales (Chaney, Hall and Pithouse, 2001b; Drakeford, forthcoming; Loughlin and Sykes, 2004) reveal that devolution *has* changed the landscape for CSOs (CSOs) in Wales in terms of political access, CSOs activities and funding. Cole (2004) also reports that some organisations in Wales, with British parent bodies, are now implementing some devolution into their running. However, the face of civil society in Wales today, as asserted by Hodgson (2002), is still primarily local, with 89% of voluntary organisations in the All Wales Database of Voluntary Organisations comprising local bodies (Collis, 2003:23).

The study of civil society as a whole in Wales is still a fledgling venture with most works concentrating on sectors of civil society. However, substantial work has been conducted on civil society in Wales by the Wales Council for Voluntary Action (WCVA) and others (Chaney, Hall and Pithouse 2001b; Day, Dunkerley and Thompson forthcoming b; Hodgson 2002, 2004; Nicholl, 2002). Yet as Nicholl (2002) remarks there has "little academic research to date on civil society as a whole in Wales" (Nicholl, 2002:4).

The WCVA project reported by Nicholl (2002) was part of a wider World Alliance for Citizen Participation (CIVICUS) exercise using its Civil Society Index to map the space, structure, values and impact of a given civil society. From the CIVICUS research, civil society in Wales was given a "medium" health tag and was seen to have a broad and active membership and to be good at engaging with politics. However, it pointed to two areas for future research which are relevant for this thesis. The first research area was surrounding civil

society definitions, admitting that these are contested and suggesting further discussions on definitions with civil society would be helpful. Secondly, Nicholl called for further research to explore civil society access to different formal political institutions, such as the EU, in a system of multi-level governance (MLG):

... it would be valuable to investigate which bodies the respondents feel more or less able to access and what steps could be taken to improve this. (Nicholl, 2002:15)

WALES, CIVIL SOCIETY AND THE EUROPEAN UNION

Connections between Wales and the EU increased with the introduction of the EU single market, EU cohesion policy and the period of Conservative United Kingdom (UK) governments (from 1979-1997). Successive Conservative governments served to disconnect Wales from the UK² and encouraged Welsh political and public actors to focus on Europe as an alternative means of political influence (Bradbury, 1997; Jones, 1997). This process was undoubtedly helped by the EU promoting a “Europe of the Regions” in a bid to foster its legitimacy through direct local participation with the EU, by-passing the member state (Bradbury, 1997). In particular, the requirement of sub-national partnership in the delivery of Structural Funds enhanced Welsh actors’ European role. Civil society actors were also involved in the clamour and delivery for funded EU projects. The role of civil society in establishing Welsh-EU links is further evidenced as parts of civil society were involved with the Welsh European Centre (WEC), which was set up in 1992 in Brussels. Pre-devolution, “the European connection helped to make Wales more self-conscious of its political identity” (Jones, 1997:66); is it doing the same for civil society post-devolution?

Thus, a Wales-EU connection involving some civil society members has existed for several years. However, academic works have largely focused on the role of sub-national authorities and the EU rather than civil society. Equally, investigations into the role of civil society in EU policy-making usually start from the Member State or at the European level (for example Crook, 2002; Greenwood, 2003a). Although it is important to note that attention is shifting to the role of regional civil society within EU Structural Funds (Royles, 2004), to which this author hopes to add, but from a more generic analysis of civil society

than sector specific. Research into Wales-EU post-devolution connections is important following claims that the new Assembly has focused less on the EU than the pre-devolution Association of Wales Counties (Loughlin and Sykes, 2004:5), in order to explore the claim's validity and effects for civil society.

Furthermore, EU-led developments have helped make this a timely piece of investigation. The European Commission (2001a) in its White Paper on European Governance (WPG) has embraced both civil society and the regions in its policy-making process as part of its democratic functioning. This research will explore whether the role of civil society in Wales in EU policy-making can actually abate the EU's democratic deficit. Empirical research at the sub-national level is needed as many works on the EU's democratic deficit are theoretical (for example Cohen and Sable, 1997) or focus on the European, Brussels (for example Michalowitz 2004) level, by-passing the sub-national level that is closest to the citizens and their lives. Research at this level is also important because the state of the EU's democracy is interdependent with the state of democracy at the Member State level and will help provide some insight into how national/regional dimensions may affect civil society's democratic potential.

THE CONVENTION ON THE FUTURE OF EUROPE³

Background and justification for the case study

The decision to hold a constitutional Convention was influenced by four inter-dependent trends. Three of these trends were: the need to reform the EU; the necessity to revitalise the EU's democratic legitimacy; and the failure of the Inter Governmental Conference (IGC) to create reform. A fourth trend – EU elites' acceptance of an EU constitution arose out of the other three trends.

The 2000 Nice Treaty, produced by an IGC, revealed inherent problems with the IGC model of treaty change. This Treaty was able to address only some of the changes⁴ needed to enlarge an EU of 15 into an EU of 25 Member States, and another round of reforms was instigated, with another IGC expected in 2004 to complete the reforms. The Irish “no vote” to the Nice Treaty revealed public discontent with the EU project and its lack of democratic legitimacy. According to Shaw, Hoffman and Bausili (2003), this may have led some to call for “a more

deliberative forum for grand Treaty reform” (Shaw, Hoffman and Bausili, 2003:11) instead of an IGC.

The Nice IGC failures contrasted sharply with the Convention on the Charter of Fundamental Rights (CFR) of 1999-2000. The CFR Convention’s “perceived success to some degree encouraged the use of the convention method to tackle to broader issue of institutional reform” (Bellamy and Schönlau, 2003:4). The CFR Convention differed from an IGC; as it had a longer time frame worked on the basis of consensus to produce the CFR and thereby it made a conscious shift from inter-governmental bargaining techniques and negotiating deadlocks. (On the CFR Convention see Bellamy and Schönlau, 2003)

A key awakening in EU elites’ constitutional consciousness was Joscar Fischer’s 2000 address at Humbolt University, where he argued for an EU constitution (Craig, 2001: 136; Greve and Jørgensen, 2002:6; Fossum and Menéndez, 2003:16). Before this speech, to “speak of a constitution for Europe was to be tainted with the ‘F’ word” (Weiler, 2002:563),⁵ (although the EU already had a constitution of sorts; see Weiler, 1999). Subsequently, momentum behind the constitutional course of action gathered. A range of justifications was used to promote the creation of an EU constitution: the need to reform and to embrace the citizen and the constitutional momentum established by the CFR and a string of IGCs since the 1990s (Barnier, 2001; Craig, 2001; Patten, 2000:11; Vitorino, 2001; 2002; Weiner, 2003:4). In 2005, there seemed to be a backlash to EU constitutionalism with academics challenging the need and prospect for an EU constitution in the first place (for example Dyevre, 2005; Skach, 2005).

The Laeken Declaration in 2001 married these concerns about reform, democratic legitimacy and problems with the IGC model and an EU constitution. In so doing, the Laeken Declaration convened a Convention. It should be noted that the Laeken Declaration did not view an EU constitution as a given Convention output, with the Convention merely meant to investigate the possibility (Regan et al., 2003:15).

The recent Convention on the Future of Europe also provides an instance to investigate civil society horizontally (Kendall, 2004). In other words, it acts as an opportunity to explore civil society across different sectors, providing more of an insight into civil society generally and allowing more meaningful insight into

its democratic contribution. Indeed, research has been conducted on this by a European Third Sector Network largely at a Member State level (see Will et al., 2005), with most other research being focused at the European level (for example, Borragán, 2004; Lombardo, 2003) rather than the sub-national level. Finally, in terms of timing, it can be argued that the instance of the Convention (2002-2003) occurring three years after devolution allows investigation into a more embedded devolved system, thereby giving a realistic insight into politics post-devolution. Thus, academic inquiry into Wales, civil society and the EU offers myriad research options on identity, democracy and devolution. And although this thesis' central concerns have been discussed in relation to this context; what questions does this thesis specifically set out to explore?

THE RESEARCH QUESTIONS

This thesis ultimately seeks to find out what role, if any, civil society in Wales plays in EU policy-making. It will look at what kind of groups participate, at what stage of the policy-making process and by what means and methods do groups participate, why do they participate on what issues, how do they perceive the process and any obstacles that occur. The thesis is also concerned with discovering why and which groups do not participate in EU policy-making. These concerns are combined with whether civil society can aid the EU's democracy. The thesis does this by exploring the internal characteristics of the groups under study as well as their external participation/non-participation with the EU process. The research questions are specified below:

The research question:

- What role does civil society in Wales play in European Union policy-making processes and does this contribute to the EU's democracy?

Descriptive objective:

- To use the European Convention as an empirical, horizontal case study in order to compare the role of civil society in Wales in the Convention and general EU-civil society in Wales' relations.

Descriptive questions:

- Is the role of civil society in Wales in EU policy-making democratic and does it aid the task of addressing the EU's democratic deficit?
- How do the post-devolution Welsh, British and European institutions that are involved in EU policy-making compare in their relations with civil society?
- Which parts of civil society in Wales engages and does not engage in EU policy-making?
- How does civil society in Wales engage in EU policy-making?
- Why does civil society in Wales engage in EU policy-making and does not engage in EU policy-making?
- Where does civil society in Wales engage in EU policy-making?

Explanatory question:

- What factors shape the role of civil society in Wales in EU policy-making?
Whilst assuming that both internal and external factors will play a role, this author hypothesises that Political Opportunity Structures (POS) *will* affect the role of civil society in Wales in EU policy-making.

OVERVIEW OF THE THESIS

The thesis seeks to answer and situate these questions through a mixture of theoretical exploration that shapes the deductive and analytical frameworks used; a review of the literature, analysis of secondary literature and analysis of the empirical research conducted with Civil Society Organisations and policy-makers specifically for the study.

Chapter One outlines and justifies how the research on civil society groups at the regional/local level of Wales was conducted. In this chapter, this author posits that the research area and its setting pointed to qualitative research methods interviews. The chapter describes the case study research design, sampling, data collection through interviews and documents and their analysis.

Chapter Two explores and sets out the theoretical terrain of civil society and democracy and their inter-relationship. In this chapter, this author argues the importance of recognising the different conceptions of civil society and democracy entertained by different actors and institutions, given that different

conceptions accord more or less space to civil society in policy-making and different roles. Chapter Two also derives indicators for assessing whether civil society's role in policy-making contributes to EU democracy. These indicators cover the internal characteristics of civil society groups because different groups have different democratic effects and contributions. Indicators to ascertain whether corporatist or pluralist relations exist between civil society and formal political institutions are also identified, as these have different implications for the EU's democracy.

Chapter Three continues the thesis' theoretical orientation by exploring contending frameworks that could analyse and explain civil society's role in the policy-making process. In this chapter European integration, MLG, Europeanisation, policy process, policy community and neo-institutionalist approaches and studies of European civil society are evaluated. Applying these approaches to the research topic would be generally problematic, because the topic focuses upon one instance of policy-making, as well as the context across a range of policy sectors. However, the thesis will draw upon some aspects such as discursive institutionalism and MLG, and it is argued in this chapter that the Political Opportunity Structure is an appropriate framework for the thesis. The POS approach's emphasis on the context, as well as specific cases, makes it particularly compatible to the case study research design employed in this investigation. The POS also draws attention to the structures that constrain, facilitate and enable collective action, thereby permitting a multi-level investigation and the POS can be combined with recognition of agency and actor-specific variables.

The fourth chapter focuses upon the relationship between civil society and democracy. Firstly it assesses the internal democratic characteristics of the CSOs studied. The groups are analysed with regard to what kind of membership the CSOs have; whether they are membership, charities, statutory or umbrella groups, as most of the indicators are dependent upon the type of CSO membership. The groups do largely make a positive contribution to democracy. Nonetheless, the different types of membership CSOs – membership, charities, statutory or umbrella groups – achieve different results under individual indicators. To elaborate, umbrella groups were predominant in EU policy-making and these groups generally were strong in external deliberation,

independence and resources. However, these groups are also more hierarchical and having less membership/stakeholder participation raises questions about their ability to reconnect citizens to the EU via input legitimacy and so foster participatory democracy. On the other hand the groups that fared the best across the democratic indicators and had the strongest member/stakeholder participation were membership groups who had the least involvement collectively in EU policy-making. The participation of largely umbrella groups in EU policy-making evokes images of corporatism.

The second section in Chapter Four discusses the general and democratic role that civil society in Wales can play in EU policy-making by exploring the different discourses on civil society and democracy entertained by the political institutions and practitioners. This chapter reveals that policy-makers diverged in some respects from the institutional discourses outlined, although there was also some concurrence, particularly among civil servants. Politicians, on the other hand, presented more personal views, some of which were shaped by their political party. Thus institutional discourses are expected to partly structure civil society's role. Policy-makers also held different conceptions of civil society at different levels, indicating that different civil society groups will face constraints or opportunities at different levels. Representative democracy is key among practitioners, suggesting that CSOs' role in policy-making will be confined to the margins, with elected representatives much more in the driving seat of policy-making.

Chapter Five deploys the POS framework to firstly outline the more stable aspects of where, how and when civil society can and should be involved in the EU policy-making process by firstly evaluating secondary documentary evidence and literature. It also partly evaluates whether pluralist and corporatist relations are evident between groups and the different formal political institutions. This provides the broader context for the empirical results in the second part of the chapter, allowing later evaluations concerning the extent to which the interviewed CSOs' role is shaped by the structural context. The chapter demonstrates that there are a number of access points for groups. However, institutions and actors are inter-dependent in the policy process, pointing to the need for groups to have a multi-avenue approach and to input early in the policy stage. In particular, the close nesting of the Welsh institutions

with the other institutions in the EU policy-process suggests that civil society will have little scope for influence purely through this avenue. Each political level also has different group-institutional relations and discourses on civil society and democracy that may restrict Welsh organisations accessing parts of the British and European institutions. In terms of pluralist, corporatist relations the picture lends itself more to corporatist relations, although pluralist elements are present. The picture is one of the Assembly structuring civil society-relations, endowing CSOs with partnership status but, consequently restricting the number of CSOs involved in EU issues. The British and European levels have some corporatist elements as they appear to be selective in the groups they engage with in EU issues.

The second section of Chapter Five analyses the studied CSOs participation in general EU policy-making. Findings from the chapter include discovering that the CSOs activity is clustered around the Assembly and at the implementation stage, with regional policy acting as a deviant case. Groups also had higher counterparts that acted as an alternative route to influence EU policy. Political structures helped to shape civil society's role, with access easier at the Assembly level and barriers created further up the EU process. However, cultural and actor-specific reasons are also important for shaping participation, as CSOs did not fully utilise the POS and variations in involvement appeared to be related to the identity of groups, how groups and parent groups understand the role of Wales within the UK/Europe and the degree of devolution within group structures and their mobilisation structures. The CSOs involved in the EU policy process are able to provide some democratic contributions. However, the role that CSOs from Wales are able to play is rather small and at the margins, serving to perpetuate representative democracy. Corporatist/pluralist relations did seem to vary with the different institutional levels, although the kind of groups involved did tend to indicate corporatism.

Chapter Six firstly critically examines existing research and documents on the Convention to reveal whether the POS was open to civil society groups in Wales. It reveals that the role of civil society in the Convention did seem to diverge from interest group-institutional relations in general EU policy-making. The chapter demonstrates that whilst opportunities were fairly open to European civil society, the institutional opportunity structures offered to CSOs in Wales

were fairly closed. The chapter also demonstrates the need for research at the regional/local level of civil society and the Convention.

Next the chapter reveals the unstable aspects of the POS in relation to the Convention and these include: Convention events, other salient issue contemporaries, Welsh media coverage, political alignments and UK civil society's Convention Forum involvement. This provides a backdrop to the researched CSOs' activity and enables discussion as to whether the unstable/stable POS helped shape their role. The CSOs mainly reacted differently to the Convention than to other general instances of EU policy-making, showing the Convention's uniqueness. Specifically, CSO activity was lacking and activity was much more passive and indirect, occurring via attendance at related events. The POS did play a role in shaping groups' participation with the lack of Assembly participation accounting for less participation even though potential Convention opportunities for CSOs were underused. Chapter Six also demonstrates the importance of actor-specific variables in explaining activity such as CSOs' communication, devolution and mobilisation structures.

The conclusion sums up the implications of the research findings to the research questions in relation to civil society's role and the EU's democracy. With the benefit of hindsight, the conclusion reflects upon the strengths and weaknesses of the research design as well as future directions for this fascinating research area.

RESEARCH METHODOLOGY

The findings of any research project are only as good as the tools and procedures used to generate them. Methods and their explanation are thus an integral part of understanding and validating any research. This chapter will uphold the claim that the research findings are well founded. This will be demonstrated through an outline of how the research was conducted with reference to other methods and philosophical literature, comparable empirical research and the research area. It is also recognised that research does not occur in a world free of error. In the process of articulating any such mistakes and this author's subjective standpoints, combined with reflexivity towards these standpoints throughout the entire research process, it is hoped a much truer picture of the research can be gleaned, making the findings more thorough (as advocated by Mauthner and Douce, 2003). Firstly a brief summary of the research methods will set the scene for this chapter's discussion.

SUMMARY OF THE RESEARCH METHODS

The research design is a single embedded case study of the Convention. It is revelatory, descriptive and explanatory in nature. The design incorporates some comparison as the thesis looks primarily at Wales, but also when relevant at Scotland. The embedded design means that special attention is given to the analytical units of Civil Society Organisations and policy-makers. The main research instrument is the semi-structured interview. Twenty-one interviews with civil society groups and eighteen with policy-makers were carried out. Interviewees were identified beforehand by theoretical and snowball sampling. Documentary analysis was also conducted. Analysis was computer-assisted, and made use of both deductive logic (frameworks and models derived from literature review) and also inductive logic (letting theory emerge from the data and discussing deviant examples). With this in mind, why choose Wales and its civil society, EU policy-making and the Convention?

THE RESEARCH SETTING; JUSTIFYING THE RESEARCH AREA

Devolution has aided the acceptance of Wales as a legitimate area of political inquiry. Recent studies by the Institute of Welsh Affairs, University College London and the Economic Social Research Council⁶ explore Wales in its own right as a political entity. This research continues in the same vein, viewing Wales as an intrinsically important and interesting area for academic investigation. As the Introduction demonstrated, Wales' newly devolved political institutions have reinvigorated questions of a "Welsh" civil society and provided for a potential new role in EU policy-making, thus warranting this research.

In the EU's search for democratic legitimacy, both regions and civil society are part of the remedy. Research rarely combines these two phenomena, yet the regional level of analysis is important when exploring EU-citizen reconnection, as it is close to the citizens. Moreover, the recent Convention on the future of Europe includes both regions and civil society in its involvement and enables an investigation into civil society horizontally beyond sectors (Kendall, 2004).

Research on Wales can act as a case in point for other regions, with some administrative and legislative autonomy since there has been little research conducted on sub-national civil society and EU policy-making (Kendall, 2001). Wales as a region has specific environmental factors acting as an interesting case study to explore civil society at the regional level and EU policy-making dynamics. Wales' limited devolution settlement means it hovers between "constitutional regions" (such as Flanders and Scotland) and "administrative regions" (for example Brittany). Thus research on Wales provides insight into a semi-powerful region's civil society in the EU. Additionally, the analytical frameworks deployed notably the POS and the democratic evaluation of CSOs, may also prove useful to other studies concerned with the relations between political institutions and civil society across governance levels.

Existing empirical studies and their methods

Civil society has been examined in large quantitative surveys in the John Hopkins projects, which map out the health of civil society. The WCVA also ran a quantitative survey into the shape of civil society in Wales and explores the

values of civil society, but it is difficult to fully examine values within a questionnaire design because most questions have to be closed (Alridge and Levine, 2001).

In terms of the methods deployed by comparable studies, the emphasis is largely on qualitative interview research with elites (for example Borragán, 2004; Lombardo, 2003; Loughlin and Sykes, 2004), as Lilleker (2003) notes:

When one reads many works of political analysis it becomes apparent that many academics have relied upon the elite interview as the staple method for getting inside the subject. (Lilleker, 2003:207)

Sloat's (2002) research into elites' (civil servants, politicians and civil society groups) expectations of EU policy in post-devolution Scotland has the most affinity with the study. Once more Sloat's research is interview based, gathering perceptions and subjective views of the current and prospective systems of Scottish-EU governance following devolution.

Thus, this research into Wales offers a novel opportunity to look at sub-national civil society dynamics with the EU at a time when both the political institutions in Wales and the EU and their relations with civil society are changing. The study of civil society issues in Wales lends itself to qualitative research methods and specifically, interviews. However, the appropriateness of the research design and methods are best judged by assessing what the research is intended to reveal.

RESEARCH QUESTIONS AND OBJECTIVES

Researchable questions may take one of two forms. The first form is the *research objective*. In such a question, there is no specification of relationship between variables. The purpose of the research is to find out what is going on. Thus, the stated goal is description rather than explanation. (Theodoulou, 1999: 144)

The research question and most of the objectives pursue *description*. Some of the objectives can be framed as *explanatory* questions with variables that assess the significance of different factors through the frameworks utilised.

The general research aims have remained by and large the same prior to the fieldwork. Two important additions have been the decision to use Political Opportunity Structures and to look at CSO communication structures. The

former arose from a need to have a co-ordinating framework to understand the inter-relationship between groups and the myriad of institutions involved with EU policy-making. Secondly, it became clear during the fieldwork that many groups did not deal with European issues/institutions directly and would leave it to their British or European parents and/or networks. Thus, more questions had to be asked about communication within an organisation and/or networks. The empirical research also expanded to explore Scotland halfway through the data collection, with four Scottish interviews conducted. However, as much more substantial data on Wales had been gathered it was felt that this author would not be able to do justice to the situation in both nations and would be substituting in-depth analysis on Wales for a less exacting broader comparative picture. The main research question and its components are outlined below to give insight into the research's concerns:

The research question:

- What role does civil society in Wales play in European Union policy-making processes and does this contribute to the EU's democracy?

Descriptive objective:

- To use the European Convention as an empirical, horizontal example in order to compare the role of civil society in Wales in the Convention and general EU/civil society in Wales' relations.

Descriptive questions:

- Is the role of civil society in Wales in EU policy-making democratic and does it aid the task of addressing the EU's democratic deficit?
- How do the post-devolution Welsh, British and European institutions that are involved in EU policy-making compare in their relations with civil society?
- Which parts of civil society in Wales engages and does not engage in EU policy-making?
- How does civil society in Wales engage in EU policy-making?
- Why does civil society in Wales engage in EU policy-making and does not engage in EU policy-making?

- Where does civil society in Wales engage in EU policy-making?

Explanatory question:

- What factors shape the role of civil society in Wales in EU policy-making?

Whilst assuming that both internal and external factors will play a role, this author hypothesises that Political Opportunity Structures *will* affect the role of civil society in Wales in EU policy-making.

To answer these questions the research looks at variations in the dependent variable (that is, civil society's role in EU policy-making). This involves looking at civil society's engagement in policy-making in terms of avenues, stage, issues, strategies, rationale and where this might occur within the organisation. The research also identifies the interviewed CSOs' and policy-makers' levels of Convention and EU policy-making engagement. The independent variables will then help to account for this variation and how they combine with the range on the dependent variable.

These independent variables comprise institutional discourses on civil society and democracy, POS, devolution, the democratic characteristics of groups, actor-specific and group resources. The independent variables are measured by finding out how policy-makers view civil society's role in policy-making, and understand their position in relation to civil society, what they view as effective strategies, the level of access, the influence and the importance accorded to civil society, both on the Convention and EU policy generally. Other pressing EU and political issues during the Convention will be identified, together with the media discourse, civil society groups' resources, strategies, orientation, awareness and democratic credentials. Upon addressing the research aims it is now appropriate to turn to my philosophical approach to knowledge - that shaped those aforementioned objectives and the research.

PHILOSOPHICAL CONCERNS

The narratives or stories, scientists tell are accounts couched and framed within specific storytelling traditions. (Denzin and Lincoln, 1998: 4)

The storytelling tradition deployed in this study is critical realism, for the research looks both at how people make sense of their world and how the world affects their opportunities. Critical realism allows work to be conducted on the premise that there is more to reality than its social construction and that there is actually something “out there”, without privileging the material over the ideational (for example Marsh and Furlong, 2002:31 or Wendt, 1999 on social realism). Critical realism accepts a plurality of epistemology and ontology. Thus, this author takes up the mantle that “the challenge is to present the world as it is interpreted by human theory and practice” (Stoker and Marsh, 2002:8) and at the same time accept that the findings will be embedded in this author’s interpretation. Reflexivity towards this author’s role in interpretation helps to provide a measure of objectivity coupled with rigour throughout the research process:

... seeing truth as growing out of the knower’s encounter of the world and his effort to order his experience with it. (Goulder, 1970: 270)

Although this author is a member of CSOs, this does not challenge the research, as she is sceptical of many of the claims made surrounding civil society. Nonetheless, it is testimony to this author’s interest in the field and may have helped her understanding, use of language and how to go about securing access with civil society groups. This author’s academic status means she is more of an outside insider. Equally, she did not interview any of the groups at the level of her personal involvement. With these philosophical considerations how was what is “out there” discovered?

THE RESEARCH STRATEGY

The case study research strategy had the most affinity with this study, containing the “how” and “why” questions typical of case study research (Yin, 2003:9). The research was moreover searching for detailed answers to a complex area of social life to which case studies are well suited. However, the case had to next be defined, which, authors such as Burton (2000:215-216), unanimously advocate defining.

At the beginning of the investigation, the option of looking at two “cases” of policy-making in different sectors was explored. However, this was

problematical as it would not enable study of civil society outside of the sectors examined, which would detract from the research concerns about democracy, institutions and their opportunity structures towards civil society generally. Thus, the instance of the Convention was settled upon, as this had the advantage of looking at civil society and its involvement horizontally. As Chapter Six demonstrates it is an atypical case of EU policy-making, but the aforementioned advantages make it an important case for exploring civil society's role in EU policy-making. A case can be a group, event or a nation,⁷ all of which comprise parts of the research questions. However, the Convention provides the focus, allowing elucidation of the process involving civil society in Wales and EU policy-making. The Convention therefore, is the – “case”.

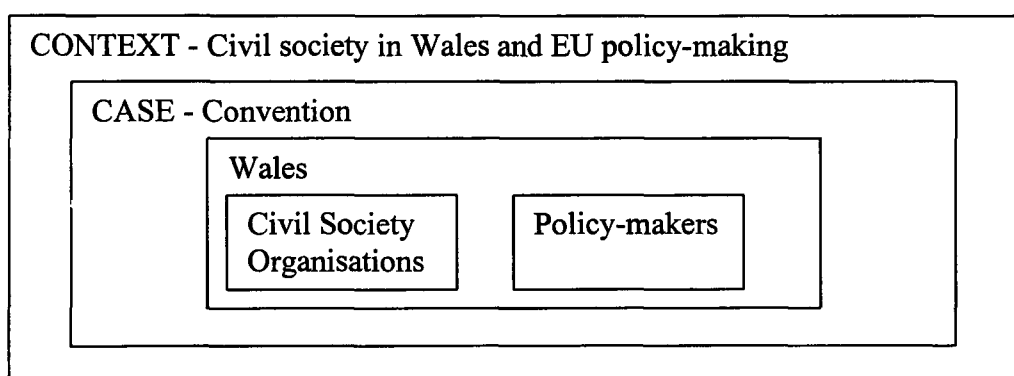
The general concerns with EU policy-making and civil society in Wales provide the case study's overall context, which are central to an understanding of any such case. The different CSOs, policy-makers and the Welsh nation are thereby understood as embedded units within the case study design. Any case study highlights particular aspects of a case (see De Vaus, 2001: 220-1). Thus the embedded design is appropriate with case study research, which typically analyses wholes (i.e. a subject in its entirety). The research design is therefore a single case, mainly descriptive but also an explanatory case study. The design is simplified in Figure 1.1 overleaf.

How robust is a case study as a research strategy? Such an assessment is partly based upon the type of case study selected and different authors have different takes on the type of case study they prefer. For example, Yin (2003) elevates explanatory, instrumental theory testing case studies, whereas Stake (1998) appears to be concerned with intrinsic motivations for studying a case. There is however a general consensus that a case study is “well suited for addressing empirically defined historical outcomes and they are often used to generate new theoretical schemes” (Ragin, 1989: ix). It is also a commonly used research method in political science (Peters, 1998). Its strengths are its ability to look at complex areas in-depth and holistically to understand causal mechanisms (de Vaus, 2001:234-5). Further advantages include its flexibility especially since it takes into account the temporal and spatial dimensions of social life (Ragin, 1989:49). These advantages result in case study designs having high internal validity. Case studies are most likely to be used when the research has the

following characteristics: when the case cannot be controlled, and when cases are examined in their natural setting and multi-methods are used (Yin, 2003:7; Denscombe, 1998:30-1). There are also a number of problems associated with case studies, which focus around the limited ability to make generalisations and thus have weak external validity. In some disciplines case studies are not seen as “scientific”:

Case studies have similarly been degenerated as having insufficient precision (i.e. quantification), objectivity or rigor. (Yin, 2003: xiii)

Figure 1.1: Summary of the case study research design



(Source: developed from Yin, 2003)

In response to these criticisms, Yin (2003:14) proposes increasing rigour by specifying hypotheses and theory prior to fieldwork. On the other hand, Gillham (2000:2) advocates that researchers should have no theoretical preconceptions before carrying out the fieldwork. Thus the different approaches to theory by case study scholars appear to be built upon different epistemological bases. As this work rests upon critical realism it is appropriate to theorise beforehand and deductively use theory as a tool to guide analysis, combined with a measure of inductive reasoning (Hay, 2002) thereby lending exactitude to the work.

The charge of weak external generalisation has a number of practical defences. Firstly, external validity can be enhanced by increasing the number of cases studied, by comparing and contrasting the causal mechanisms and features at work and using falsification (De Vaus, 2001; Yin, 2003). However, this is not appropriate here as practicalities necessitate a single, albeit revelatory, case.⁸ Yet it is in the selection of the embedded units and also in defining the broader

context that external validity can be increased. By using theoretical, purposive sampling to partly select the embedded civil society groups and thereby increasing the range of groups examined with deviant examples, a greater degree of certainty about theoretical generalisations can be established (Silverman, 2000). Analytical generalisations are what case studies aim for, rather than statistical generalisation about a population (Burton, 2000:225):

The purpose of the case study is not to represent the world but to represent the case. (Stake, 1998: 104)

The above quote provides a reminder not to focus too much on external generalisability as the case is a valuable area of study in itself. It is to the methods that the chapter turns to illuminate further the research validity.

APPROPRIATENESS OF THE METHODS

In line with case study research the project makes use of multi-methods, namely interviews and documents. They are supplemented and supported by theories, other empirical studies and interview material collected for other purposes such as House of Commons Committees' Witness Examinations. However, as interviews and to a lesser extent documents comprise most of the empirical data, these two methods are discussed in terms of their rationale and their appropriateness in gathering information that answers the research questions.

Interviews

They are high-preparation, high risk, high gain and high analysis operations. (Wengraf, 2001:5)

Interviews are labour intensive in terms of time and in the level of preparation needed, to negotiate access, create schedules, transcribe and analyse. Why on earth would anyone embark upon research with this method? The answer lies in the third element of Wengraf's statement: the dividends. In a short period of time (the actual interview) a large amount of data (Lilleker, 2003:208) can be collected on people's accounts of their experiences and their views on relevant issues (Miller and Glassner, 2004:126). The risk element can also be reduced considerably by careful planning, as Lilleker (2003) attests.

Why use interviews in this instance? The research area justifies the method. The research area covers several spatial levels of political analysis and encompasses many different political institutions and actors. This thesis also wishes to discover perceptions of a recent high-level political event, which can only partially captured by political documents:

Through qualitative interviews you can understand experiences and reconstruct events in which you did not participate. (Rubin and Rubin, 1995:1)

Thus, the research looks at the complex, the hidden, the concrete and the subjective. Authors credit interviews for exploring all these facets (Gerson and Horowitz, 2002; Lilleker, 2003; Miller and Glassner, 2004; Yates, 2004). Moreover, the semi-structured interviews give flexibility to discuss with key players in the EU/Wales policy process their views in their own words, and allow investigation into any unconsidered areas or topics of interest. The Jones Commission (2004) also warned that CSOs in Wales were suffering “consultation fatigue”; thus access for a wide survey would be difficult to secure.

One problematic with interviews is whether meaningful data can be gathered; whether interviews provide a “true” account or are viewed as storytelling constructs (Mason, 2002). This author would argue that it is precisely the meanings or the truth people accord to their experiences and create (sometimes self-reflexively in an interview) that the research wishes to ascertain. However, the more fruitful discussion lies in the steps taken to increase authenticity. Validity can be aided in the interview itself, by outlining a remit for discussion, asking clear, unambiguous questions and making a conscious effort not to lead the respondent in any particular direction (Fontana and Frey, 1998; Gaskell, 2000; Moore, 2000). Outside of the interview, triangulation of accounts by means of other sources can provide a more comprehensive understanding of what actually went on (Lilleker, 2003).

Documentary evidence

Documents provide a superb way of gaining access into organisational/institutional settings and for corroborating interview accounts of facts (the need for this is articulated by Davies, 2001). However, there are a

number of potential pitfalls, if not addressed. Namely, it has to be recognised that documents do not objectively represent reality, but are produced in a certain way and for a specific audience (Atkinson and Coffey, 2004:58). This study therefore deploys a critical approach to documents (see Jupp and Norris, 1993). Institutional documents can be critically analysed as they demonstrate where institutions believe legitimacy resides among social actors and structures at that moment in time, as this is presented to the institution and by the institution (Jupp and Norris, 1993).

Documents are used to triangulate evidence and to help provide more insight into the case and its context. An excellent example is the briefings produced by the Inter-Parliamentary Research Network (Regan et al., 2003). These briefings list all the debates and speeches in the Westminster and devolved deliberative bodies in the UK regarding the “future of Europe”.

The discussion thus far has served to illuminate the issues of methodological debate and has argued for the research design and methods in relation to validity issues and also the research aims. Now the chapter turns to how the data collection process worked to stimulate discussion further.

SAMPLING

The selection of interviewees was based on practicalities, concerns for external generalisation and the logic of comparison. In order to compare, it is necessary to look at how different conditions combine to produce certain outcomes (Ragin, 1989:14). Thus this author was concerned with interviewing individuals in groups/institutions that had a range of the different variables identified to be significant.

The sampling logic applied to selecting civil society groups was, as advocated by Silverman (2000), theoretically grounded and purposive because this author wanted to make statements about CSOs, not just groups in one sector, although different group sectors had to be considered. Other key variables identified were the level and actual engagement in the process of the Convention or EU policy generally (variation in the dependent variable), the size, function, resources, type, size, sector, geographical remit (although this variable emerged during data collection) and democratic characteristics. Consequently, a range of groups from the following sectors and at a range of levels were interviewed:

Local Civil Society Organisation by sector:
Community/heritage

Regional (constituency) Civil Society Organisations by sector:

Environment Language/community Sport

Wales-wide Civil Society Organisations by sector:

Business	Disability	Equality	Farming
Intermediary	International	International Development	
Language	Poverty	Pro-European	Religious
Trade Union	Women's		

Scottish-wide Civil Society Organisations by sector (these CSOs are not included in the main analysis):

Trade Union Arts

UK level Civil Society Organisation:

One CSO

European (EU) level Civil Society Organisation:

One CSO

Other:

One Wales European Centre Official

These groups are not intended to be representative of civil society in Wales at large, but are meant to provide a snapshot of civil society participation among a variety of groups along key dimensions to access their perceptions. The groups all had varying degrees of involvement with EU policy process and the Convention. Efforts were also made to reach out of south Wales, where the Assembly is based, with two groups from mid-Wales and three based in north Wales.

Generally, there is a slight leaning towards advocacy/representative groups (eighteen groups) although many of them had a mixture of functions,

particularly CSOs' combined advocacy with service-base functions. A British and a European organisation were also interviewed to understand how organisations take on the views of their Welsh organisational branches. Groups were identified through discussions with Welsh experts, searching *The Wales Yearbook* (Balsom, ed., 2003), looking at Convention events/submissions in/from Wales, local community group websites and using snowball sampling by following up suggestions from CSOs. Contact with interviewees was mostly made through written letters, supplemented sometimes with phone calls. Thirty-three groups in total were contacted with ten either saying no, or just not replying with an affirmative answer, and two that could not meet on the available dates. The groups that were not willing to take part were all (except one local body) region-wide groups, six were Welsh and three Scottish, and came from a range of sectors: consumer, craft, voluntary, sports, civic concerns, disability and equality. The main reason cited for refusing to be interviewed was that they did not feel they had anything to offer on the subject, that their work had no links with policy-making and/or the EU. Indeed, this was the hardest barrier to overcome, having to persuade groups that had little or no involvement that their voice was integral to the research. After much effort there was a degree of success in gaining access to these "voices".

In terms of how individual interviewees were identified the author looked at job titles/positions on CSOs websites or alternatively called up the organisation and asked if there was anyone involved in EU policy issues and addressed correspondence to them. The individuals subsequently interviewed occupied senior positions in their organisation as staff or committee members, so could be seen as part of an elite. This may have repercussions on the soundness of their assessments of their CSO's democratic workings, although this can be alleviated by asking questions in an objective manner so that they are not overtly defensive, and by cross-referencing through documents.

A WEC Official was also interviewed because at the time of interview⁹ some of WEC's members were CSOs, and it provided information, identified and acted upon opportunities for its members in Brussels. However, as WEC was a corporate body and had a large membership from Assembly Sponsored Public Bodies (ASPBs), it is not a CSO. Thus, it is placed in an "other" category.

In terms of sampling policy-makers, this author was concerned to capture the views of those involved with the range of institutions between Wales and the EU, to try and harness different institutional perspectives but also the individual accounts of policy-makers. The interviewed policy-makers are outlined below:

Welsh local government policy-maker:

- Welsh Local Government Association (WLGA) Official

Welsh Assembly Government/National Assembly for Wales policy-makers:

- Assembly Member (AM) on the European and External Affairs Committee (EEAC)
- Welsh Assembly Government (WAG) Official

Scottish Executive policy-maker (not included in the main analysis):

- Scottish Executive Official

Westminster/United Kingdom government policy-makers:

- Member of Parliament (MP)
- MP
- UK civil servant (Wales Office)
- UK civil servant (United Kingdom Permanent Representation to the European Union, UKREP)
- UK civil servant (formerly UKREP)

Policy-makers from the institutions of the European Union:

- Committee of the Regions (CoR) member
- European Economic and Social Committee (ECOSOC) member
- European Commission office in Wales Official
- European Commission office in Wales Official
- European Commission Official
- Member of the European Parliament (MEP) for Wales
- Member of the European Parliament for Wales
- Member of the European Parliament from Britain and Conventioneer

Policy-makers were contacted through a mixture of sending letters, telephoning and some snowball sampling as a few participants provided an introductory recommendation to others. Relevant individuals were generally identified through institutional websites. Individuals who had changed their public role proved to be more difficult to find and were traced by gathering their current activities. This author had to be politely persistent to secure some policy-makers' willingness to be interviewed into actually settling a date for interview. In one instance it took several months between initial contact and the actual interview. However only five policy-makers declined outright, another was ill and another four did not respond or a suitable time could not be arranged. These policy-makers were WAG Officials, MEPs, MPs, Whitehall civil servants, European Commission and CoR members. However, as all these sections are represented, this should not detract from the research. This author also interviewed politicians from five different political parties, covering a large range of political opinion.

The policy-makers in particular, provided instances of elite interviewing as most of the individuals were senior Officials. Elite interviewing requires a high level of preparation to establish the researcher's credibility and to make the maximum use of time (Odendahl and Shaw, 2002).

DATA COLLECTION: INTERVIEWS

To be fully prepared, a pilot interview was conducted with the Head of a CSO involved in European Objective 1 programmes. This provided information both on this author's technique and the content of the questions. As a result, the questions were made more specific and the author was aware of the need to be more assertive in changing the interview direction. The decision was made at the outset to tape record and transcribe interviews rather than take notes, on the grounds that the latter detracts from non-verbal communication and listening (Moore, 2000:128).

The interviewing commenced in October 2003 firstly with CSOs and then with policy-makers, finishing in October 2004. The body of knowledge collected from the earlier interviews helped with the potentially more tricky elite interviews with policy-makers. In preparation for interviews the author would search for any relevant information on each individual on Google and

institutional/CSO websites, look at any documents they had composed and supplement this with any information about the CSO/institution. This helped to tailor questions for each interview schedule. Interview questions and interview briefs were also sent out beforehand so interviewees could be informed about what to expect. Sometimes this would not be read, but this author came to feel that it saved time and made people more at ease.

The interviews were on average one hour in length, ranging from twenty minutes to three hours, and the expected interview time would often change on the day. This meant that there was limited opportunity to gain trust and rapport with respondents in order to elicit more thorough answers. However, trying gain more time with interviewees would have been impractical as individuals were already short of time and such an attempt may have resulted in access being denied.

Interviews were carried out in a range of locations convenient for interviewees, from cafes to homes to offices. Some of these locations made for testing interviewing. In a restaurant this author had to carefully balance and time asking questions, watching for suitable gaps between eating. Most of the interviews were carried out one-on-one, but for one interview carried out at the start of the research there were two interviewees, which proved to be extremely difficult. One interviewee was the line manager of the other and soliciting answers from the junior was trying as the line manager dominated; the author realises now that she should have asserted more control over the interview.

Thus, the one valid statement on the interviews is that they all had their own quirks. The techniques used varied from interview to interview, for the “interviewer’s intuition is paramount” (Odendahl and Shaw, 2002:311). The author found the most effective way of interviewing was to discuss with the participant the main themes of the interview that the author was interested in and to give them some control by asking them how they wanted to “run” the interview (for example some individuals wanted to talk on the issue, with very little prompting, while others wanted more direct questions). Prompting questions were asked seek to bring the discussion back to the main issues if the discussion became too tangential. Quite often interviewees would answer several questions concurrently through one answer, requiring a mental revision of the schedule.

This author did start the interviewing with a more traditional approach, staying very objective and trying not to be animated and making sure all the questions were answered. However, like May (1997:114) this author found that there is a trade-off between being objective and subjective. It was practical on the one hand to be impartial on the content and wording of questions so that people would understand and feel able to voice their views. On the other hand being oneself, having a sense of humour, going for quality rather than quantity of questions and even occasionally digressing from the subject was important in making the respondent comfortable and making the experience much more rewarding, although there is a fine line. Positive reinforcement and seating were also used to make the interviewee more at ease (recommended by Denscombe, 1998:119).

It was interesting to note the different dynamics when interviewing politicians, civil servants and CSOs. The former find talking very easy and therefore the author had to make sure they stayed on the topic. They were also a little defensive. Civil servants on the other hand tend to be much briefer, require a lot of prompting and are understandably very wary of evaluating political actions. Finally, the CSOs required reinforcement that their views were worthwhile to keep the conversation flowing.

Some of the questions did cause a little bit of a stir. These questions were on what people understood by civil society and democracy and the inter-relationship between them. Mason (2002) derides asking such academically worded questions. However, this author does not feel that there was any other way to have gone about this. In order to talk about civil society, civil society had to first be discussed and as this author was interested in participants' definitions and did not want to impose her definition from the outside (although a working definition was given for the rest of the interview). Most of the interviewees were taken aback by such questions, however, upon being asked nobody failed to give an answer. Moreover, these words were not completely outside of their vocabularies as policy documents are littered with such concepts. Finally, this author does not believe that researchers should avoid asking difficult questions of people if they are clearly worded, as it seems a little patronising to suggest that they are unable to answer these. Also, these are questions that they can only answer in their own words. Another difficulty encountered was talking about a

past event. The passing of time made some individuals more self-reflective but also meant that some details had been forgotten; indeed this author had to remind two people of their role in Convention events!

With regards to the researcher effect¹⁰, this was combated in several ways; by being objective in the questions that were asked (not leading or offering comment on them), suitable dress codes and being polite. Power considerations, whereby the researched is intimidated by the researcher, were minimised by reassuring individuals that their views were important, giving them some control over the interview and by this author's position in society. Indeed, because this author is young, female and a PhD researcher, in many instances the power differentials were reversed (Odendahl and Shaw, 2002: 311-312) and she felt a little in awe of many of the interviewees. Perhaps the power imbalances were positive in that some respondents were very open in their views and information. Following all interviews a record of the interview proceedings was made with regards to content, dynamics, participants' social situation, interview environment and rapport. This aided analysis of the transcriptions, providing reflexivity of the social context of where and how the answers were produced.

Ethical issues were attended to from the beginning. Interviewees were asked previously for their consent to be tape-recorded as well as immediately prior to interview. A consent form was prepared detailing the interviewee's rights and with assurances of confidentiality. The tape recorder used was also very large and visible, but only in one interview did it really play any role when one participant was very cautious about what he was saying was on or off record. This author also tried to thank individuals for their time by sending them information about the EU process in some instances. The most rewarding aspect of the interviews was the ability to trigger reflection. As one participants commented "speaking to you, things come up that I've never thought about" (interview, ECOSOC member, 2004).

The decision to end interviewing was not easy, since more avenues were left to explore. The decision was necessitated by realities of time and data management, as Gaskell (2000:43) recommends fifteen to twenty-five interviews to be carried out by any one researcher. The decision was also spurred on by a degree of saturation with regards to the Convention, with accounts repeating the

varieties already being heard (on the saturation point, see Rubin and Rubin, 1995:72-6).

Interviews were also supplemented by observation, as Gerson and Horowitz (2002) note these are different methods at opposite ends of the scale. This author was able to observe the offices of Non-Governmental Organisations (NGOs) and policy-makers, which gave some idea of their resources. The author also made observations at European events in Wales that she attended, in terms of who was present and the issues raised. This helped provide information on the wider context.

DATA COLLECTION AND ANALYSIS: DOCUMENTS

Documents were selected to access views of formal political institutions, civil society and also to prepare for interviews with individual CSOs and policy-makers. Reports and attendance-lists of Convention-related events held in Wales, Scotland and to a lesser extent London were also accessed to provide a fuller picture of civil society activity outside those interviewed. In order to ascertain the media Convention coverage, a content analysis was conducted on four Welsh newspapers (Daily Post, Western Mail, Wales on Sunday and South Wales Evening Post). These were the newspapers that were accessible via a data holding and search engine on the web, Lexus Nexus. The newspapers selected were not exhaustive of Welsh newspapers, but they included some of the main papers from the region and provide a backdrop to the kind of coverage the Convention received from a Welsh vantage point.

On this database this author carried out keyword searches on the terms “European Convention”, “future of Europe”, “Constitutional Convention” and “draft constitution”, to cover the range of Convention vocabulary. The time-scale selected ran from July 2001 to June 2004, to provide a context of pre, during and post Convention. By excluding non-relevant articles (for example, there were many hits relating to the European Convention on Human Rights) 91 articles were identified within the time frame. Each newspaper’s article was read and summarised in chronological order. Upon reading, the main theme of the article relating to the Convention was gathered allowing a basic quantitative content analysis. The articles were also tabulated under their issue month and year; for elaboration see Chapter Six. The extent of TV coverage was not

examined because the data was not so readily accessible and constraints governed the author's time, although it is recognised that TV is the most common source of political information for individuals¹¹ (Dunleavy and Husbands, 1985: 11 cited in Denver, 1994:118).

DATA ANALYSIS: INTERVIEWS

Analysis is central to concerns about the validity and reliability of research findings as it is here that data are turned into conclusions and generalisations. The theoretical frameworks from the literature created appropriate analysis for case studies being "structured, planned and purposeful" (De Vaus, 2001: 251). A typology of democratic characteristics to assess the "democraticness" of civil society groups was used (see Chapter Four) and the POS also acted as a framework in which to present data in Chapters Five and Six, and specifically the institutional discourses provided a reference point for Chapter Four. Thus, the data analysis appears to be mainly deductive. Nonetheless, induction comes in through comparison and identifying what seem to be the relevant variables of the research. Analytic induction is used to explain deviant cases thereby increasing generalisation (see Robinson, 1999).

Data analysis has two purposes: to reduce the amount of data and to present conclusions (Huberman and Miles, 1998: 180). This requires coding and categorisation through relevant themes, without losing sight of the overall context and the interview. For the analysis, this author firstly transcribed interviews in full, increasing her familiarity with the interview data, and significant nuances were recorded (as recommended by King, 1994). All nuances were not recorded due to time because the research questions did not warrant such excessive detail. A computer programme, NVivo, was selected to aid coding. There has been considerable debate over the use of computers in qualitative analysis and these apprehensions must be allayed in this chapter.

Seale (2000:155) likens qualitative researchers' distaste for computer-assisted analysis to their view of quantitative research as dehumanising. Computer Assisted Analysis (CAA) can be perceived as creating distance between the researched and the researcher, making it easier to focus on small data extracts and to ignore the context and create partial research findings. Lee and Fielding (1993:7) attribute such concerns to the fact that the computer is

culturally defined and being technological it is seen to exclude women and is perceived as magic, i.e. the conclusions from data analysis are viewed as appearing from nowhere (Alcott and Benson, 1993). These points are heeded and steps were taken to reduce these concerns in the process of analysis, as will shortly be demonstrated. However, many of these worries in an age where information technology is ever-present throughout the research process are becoming out-dated.

One of the principal advantages of CAA is that it systematises analysis, thereby, making it much harder to ignore or simply forget data extracts because all the data is in front of the researcher and thus increases rigour and therefore internal validity (Seale, 2000). CAA also means that it is quicker to locate data, easier to find contrary cases and the research process is more transparent (Fielding, 2002:168; Lee and Fielding, 1993; Seale, 2000). Moreover, by transcribing interviews in full and looking at extracts in view of the entire data, concerns about partiality of results can be allayed (Alcott and Benson, 1993). Finally, it is also a wonderful system for data management (Fielding, 2002:175).

Thus, this author summarised each interview in terms of content, being aware of the dynamics of the interview and her role in it. Next all the interview transcripts were read in full, allowing emergent themes to be added to the coding frame. (The coding frame also consisted of codes derived from the literature and frameworks). Following on from this, the relevant parts from each transcript and supporting document were coded on NVivo, with new codes being added as appropriate. The coding categories aided comparison of embedded units and the exploration of deviant cases, allowing generalisations and conclusions to emerge. The NVivo programme was also useful for identifying key quotes, which typified these generalisations and conclusions.

CONCLUSION

The empirical study of civil society is a new and interdisciplinary field. As such, inquiry into civil society has no cookbook to guide methodological choice and it is instead from other comparable pieces of research and the research questions that the appropriate methods must be gleaned. The research area and its setting pointed to qualitative research and the interview method. By asking for detailed assessments on political life the research questions point the research towards

case study design and the primary use of interviews as a method. The case study method using an embedded design provides multi-causal descriptions and explanations into a multifarious area of social life. The embedded design allows due focus to be given to civil society while researching the case at hand. The methods of interviews and documents have the capacity to provide insight into the case and the context, and thus the answers to the research questions, and being multi-method aid triangulation and increase validity. This research's external validity (typically weak in case studies) has been increased by the use of its analytical frameworks, through applying purposive and theoretical sampling to select interviewees and by means of some limited comparison with Scotland. The interviews and documents were collected in a reflexive, critical and thorough manner and have been concretely outlined to increase transparency and demonstrate the rigour used. The analysis, coming from a critical realist perspective, uses both deductive and inductive logic and increases validity through systematic analysis, assisted by NVivo, exploring and comparing all the data and deviant cases. It is to that logic and the findings, being so justified, that the following chapters attend.

CIVIL SOCIETY AND DEMOCRACY: DEFINITIONS, DEBATES AND SETTING THE SCENE

The EU has recently sought to bring civil society into its policy-making processes to implicitly revitalise its democracy (Armstrong, 2002:105) (i.e. in the WPG, see European Commission, 2001a). Such moves are concurrent with recent academic and policy-maker debates that accord civil society a democratising role. This chapter seeks to expound such views on civil society and democracy in order to assess the role that civil society plays in furthering democracy, both inside and outside of policy-making.

The chapter initially will establish an analytical handle on the “definitional fuzziness” of civil society (Edwards and Foley, 2001:4) by outlining different approaches to its boundaries, components and norms. This mapping exercise will incorporate civil society debates and history to situate the contemporary state of civil society theory. Democracy similarly will be discussed in relation to different perspectives and debates. This will enable an exploration into civil society and democracy and their inter-relationship, which in turn generate assessment criteria of civil society’s contribution to democracy, including any policy-making functions. An exploration into the EU’s democratic deficit will also provide a backdrop into the nature of the problem the EU is trying to counteract with the aid of civil society.

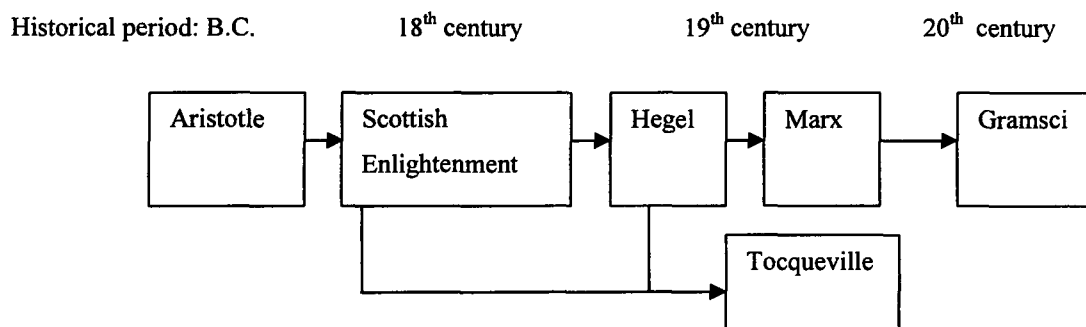
The chapter will forcibly argue that there are distinctive positions on civil society and democracy and that these have different implications for conceptualising each other. Thus, attention must be paid to the different conceptions of civil society and democracy shared by actors and institutions in order to understand and assess the extent to which they involve civil society through policy-making and its impact upon democracy. Finally, a list of indicators will be advocated as the means to assess CSOs’ contributions to democracy.

CIVIL SOCIETY

A brief theoretical history of civil society

A brief tour of the historical evolution of the theory of civil society is important in order to understand its contemporary relevance and current civil society theories. This latter task is necessitated as academics today highlight key civil society theorists pertinent to their perspective. Alexis de Tocqueville, in particular, has been the inspiration for much of the renewed debate on civil society (for example Putnam, 1993:89; Putnam and Goss, 2002:13). Nonetheless, an overlapping consensus can be discerned as to the identity of the key figures in shaping the historical passage of the idea of “civil society” (Edwards and Foley 2001:4; Cahoone, 2002:211-216, who includes Locke, the Romans and the French; Kaviraj and Khilnani, 2001:3 who also includes the French enlightenment). These key theorists are depicted on a simple flow chart below:

Figure 2.1: Key historical civil society theorists



Each of these theorists brought something distinctive to the civil society debate and definition. Aristotle first separated the active public citizen from the private household domain. This private/public distinction was a consequence of the dual aim of human fulfilment with effective governance, following village partnerships merging into a city-state *polis* (Cahoone, 2002). The term “civil society” only emerges in the modern era with the Enlightenment when, as Habermas (1992) outlines, a critical, liberal public sphere and civil society emerged from the advent of media, the separation of public authorities from the ruler and the privatisation/marketisation of economic reproduction. Enlightenment theorists viewed civil society as a means to alleviate concerns that

modern economics undermined sociability (Oz-Salzberger, 2001:59) as a result of ensuing individualism and a division of labour. The Scots Enlightenment thinkers, such as Ferguson (1767), viewed civil society as outside of the state and as a bulwark in bolstering good citizens:

... they are the most happy men, whose hearts are engaged in community in which they find every object of generosity and zeal and a scope of every talent of every virtuous disposition. (Ferguson, 1767:58)

Ferguson goes on to argue that it “is in conducting the affairs of civil society, that mankind find the exercise of their best talents, as well as the object of their best affections” (Ferguson, 1767:155). This “civil society” also incorporates the economy with commercial transactions having a civilising effect (Seligman, 2002:18). Baker (1998:4) points out that moral and theological overtones are evident in this understanding of civil society.

Market effects in creating economic inequalities provided the stimulus for Hegel’s and Marx’s writings on civil society. Cohen and Arato (1994) also accord Hegel with another motivation: to reconcile ethos with individual freedom. Both Marx and Hegel viewed civil society as economic and as a specific constellation of the modern era, imbuing the concept with temporal novelty (on Hegel, see Keane, 1988:46). Yet they diverge over civil society-state relations. Hegel advocated an ethical life comprising of a rational state and welfare to combat economic, egocentrism and particularism in civil society (Femia, 2001:133-4; Keane, 1988:46). Marx, however, viewed civil society as an extension of bourgeois interests and an arena of alienation, not as a separate sphere from the state (Habermas, 1992).

Tocqueville’s inspiration on civil society came from his visit to the United States. In America he experienced at first hand, democracy and also the self-sufficiency of people from the state through their local associations. The key element of his treatise seized by neo-Tocquevillians today is that *voluntary* associations acted as a means for men to get things done, to transcend self-interest for the common good, to learn civic skills, to stop the tyranny of the majority and to limit government power (Deakin, 2001: 67; Galston, 2000; Tocqueville, 1862a:128-133; Warren, 2001:29-30). Civil society, or more appropriately civic associations, are viewed as actors outside of the state and

comprise “commercial and manufacturing companies ... associations to give entertainments, to find establishments for education, to build inns [and] to construct churches” (Tocqueville, 1862a:128). It must be recognised that Tocqueville’s book *Democracy in America* does seem primarily aimed at selling democracy to Europeans and, also as identified by Whittington (2001), may be utopian in its understanding of 19th century America. Secondly, with regards to many neo-Tocquevillians who focus upon secondary associations and ignore political associations,¹² Tocqueville views *political* associations as the critical mechanisms whereby people acquire democratic skills and learn how to associate, thereby enabling *civic* association (Tocqueville, 1862a:138,140):

Political associations may therefore be considered as large free schools, where all the members of the community go to learn the general theory of association. (Tocqueville, 1862a:140)

Finally, Tocqueville recognised that association had negative aspects (Whittington, 2001) and argued that association should not be left unfettered and that complete freedom could lead to anarchy (Tocqueville, 1862a:143; 1862b:222).

Following on from this 19th century period of civil society theorising, Gramsci devised his civil society theory in 1930s Italy, updating Marxism and seeking to understand the delay in Communist revolution outside of Russia. Here, civil society is understood through hegemony: where one class or historic bloc dominates in material, political, social and cultural reproduction via consent and coercion (Cohen and Arato, 1994:143-5). Civil society for Gramsci was no longer simply about economic or state relations, but included a myriad of actors and ideas such as intellectuals, institutions and associations (Cohen and Arato, 1994:143-4).

In summary, ideas on civil society grew out of changes in economics, size and type of polity, technology and societal shifts. They sought to reconcile questions of free individuals and liberty in a community, successful democratic government and inequalities, and to explain how society could and did operate. The discussion on Tocqueville demonstrates how only aspects of these “great thinkers” are used currently and civil society in history was recognised as a limited panacea. These theories also aspire to universalism, despite being

Western theories. The capacity of “civil society” to be universally applicable is debatable, given that this brief account of civil society’s conceptual history demonstrates how much the concept has varied over time, in purpose, norms and parameters, thereby limiting its universal applicability (see Wiarda, 2003). Is this diversity in meaning still evident today?

Contemporary and current debates on civil society

As an idea, civil society experienced a renaissance in the late 20th century, and in the 1980s and 1990s, which has continued into the present day, both theoretically and in political discussions. The most commonly cited reasons for this re-emergence are detailed below:

- Civil society groups’ resistance to totalitarianism in Latin America and Central and Eastern Europe (Carothers, 1999:1; Galston, 2000; Young, 2000:154)
- Collapse of communism and crisis of left-wing thought; “the end of ideology” (Cohen and Arato, 1994:70; Keane, 1988; Little, 2002:103)
- Concerns in advanced democratic countries of a decline in political participation, a lack of community and ensuing alienation (Chandoke, 2001:4; Nisbet, 2000)
- New kinds of participation and rise of the new social movements (Kaviraj and Khilnani, 2001:2; Walzer, 1995a:2)
- In the face of burgeoning inequality, the recognition that welfare and statism are ineffective (Cahoone, 2002:218)

Debate still persists over what is civil society: is it an ideal type or a sociologically real phenomenon? Keane (1998) appears to use civil society as both a theory and an empirical phenomenon, and Cohen and Arato (1994:3) present their work as the first systematic theory of civil society. In another essay Cohen and Arato (2001:186) and Alexander (2001), discuss how civil society is sometimes used in political discussions as a discursive category. Civil society is also commonly viewed as a concept, (for example Cox, 2003:1175; Eberly, 2000:6; Kymlicka, 2002:1; Walzer, 1995b). Given the array of definitions and

supporters, some have questioned whether even talking about civil society has much worth (Pietzyek, 2003:38). Indeed, Chandoke (2001:1) argues that civil society's over-identification means that civil society cannot be understood as a stand-alone concept.

What can be said most constructively about civil society is that it has been theorised, it looks at the real and the ideal of a societal part and it is polemic. It is within this contestation that dividends can be made in studying civil society (Edwards and Foley, 2001:3; Young, 2000:157), a fact which many empirical investigations of civil society fail to recognise. Chandoke's (2001) point about civil society's definitional elasticity obscuring civil society's meaning is taken on board. However, this chapter posits that by unveiling different approaches to civil society and looking at civil society in relation to its main defining conceptual part – democracy – civil society as a term *is* useful. Moreover, civil society is an important area of empirical inquiry, only if just in response to the political and academic saliency of the term. Keane (1998) succinctly encapsulates the continued purchase of civil society:

Rather the language of civil society is used to develop an explanatory understanding of a complex socio-political reality by means of theoretical distinctions, empirical research and informed judgement about its origins, patterns of development and (unintended) consequences. (Keane, 1998:37)

The notion of difference in defining civil society can be taken one step further as the majority of contemporary civil society theorists, like their forefathers, view civil society as being part of a normative idea. Many approaches now however do separate out different normative conceptions of civil society as shaped by different theories, recognising civil society's partiality (for example Baker, 1998; Barber, 1998; Cahoon, 2002; Hanberger, 2001; Wiarda 2003). There are different stresses on what civil society should *be* and *is* which gives rise to particular normative conceptions both implicit and explicit. This permits theories to be grouped together in a classification according to their perceived philosophical and political orientation and builds upon the work of Barber (1998), Baker (1998) and Chambers and Kymlicka (eds.)(2002), who similarly classify different civil society perspectives. Classification acts as a means to define and evaluate different civil society projects/conceptions. By

combining different typologies and making a more rigorous explanation of their subjectivity, various forms of civil society are created. These are outlined below:

- Communitarians:

They are concerned with the common good of the community. Civil society is the site that binds the community together.

- Neoliberals/libertarians:

Freedom/liberty for the individual in all areas of life is the central premise of this position.

- Liberal egalitarians:

Equality rather than liberty of individuals is the concern here. Civil society needs to encourage civic virtue so that all are equal.

- New left:

The key elements are social justice and the prevention of domination. Civil society provides the means to do this through tolerance, pluralism, holding no particular moral philosophy, or deliberated discourse.

- Radicals (the most heterogeneous):

These theorists place a similar emphasis on social justice, as above, with more weight on the economic aspects of social justice. They either question the ability of civil society to deliver social justice, or advocate redistribution and intervention in civil society, or call for an entirely new system.

From this typology, it is evident in these different conceptions of civil society that certain elements of civil society will be elevated and others demoted or excluded. For example, intolerant civil society, (such as religious fundamentalists), will not help to achieve the aims of a new left civil society. It is recognised that these conceptions are ideal types and theories may straddle some of these normative positions. In reality conceptions of civil society need not clearly belong to a particular ideal type, but these conceptions will act as a rudimentary instrument to facilitate discussion of how formal political institutions involved in the Wales-EU political process understand and delineate civil society. Theorists recognise that the way civil society is used is selective, as “the groups that are singled out as shaping the nature of civil society will

depend on theoretical commitment” (Post and Rosenblum, 2002:4) and this in turn creates boundaries of inclusion/exclusion of what is in, or out, of civil society.

Some of the other themes emerging from the contemporary civil society literature include a greater scepticism/realism towards civil society (Wiarda, 2003). A corollary of this trend is that writers such as Keane (1998: chapter six), Whitehead (1997) and Chambers and Kopstein (2001) give attention to the bad, *uncivil* components of society. Indeed, Warren (2001) and Fung (2003) demonstrate the importance of looking at different types of association within civil society, rather than using the simplified maxim that all associations are good. Greater recognition of the role/need of the state in organising civil society is evident (for example Chandoke, 2001, 2005:56; Edwards and Foley, 2001: 13; Walzer, 1995b), rather than viewing civil society as a realm simply outside of the state. Finally, civil society as a universal project is questioned and the significance of context in shaping civil society (Mohan, 2002) and civil society’s temporal specificity is acclaimed today (Jenkins, 2001:251; Post and Rosenblum, 2002:1).

In summary, contemporary debates on civil society have some overlap with the questions posed by historical theorists. Other themes in the current literature point to a more sceptical audience on the promise of civil society, with research delving into uncivil society and starting to identify the roles of different parts of civil society. The universalism of civil society is also challenged, permitting a typology of key normative uses of civil society to be derived. The context within which civil society actually operates, together with conceding the influence of the state towards shaping civil society is another latent trend within civil society studies. The debate on what is civil society does not stop here, given that “civil society has both empirical and normative meanings” (Barber, 1998:12), and that analytical boundaries are also shaped by normative considerations. Attention must now be paid to the issue of what *is* civil society in order to explore the effects of normative considerations and to research civil society empirically.

Civil society's external boundaries

Civil society's external boundaries are set out in relation to the state and the economy and latterly sometimes in relation to the family and a political sphere. Currently there is a consensus of sorts, particularly in empirical studies, which Anheier (2004:20) evokes: that civil society is not state, nor economic, and usually not familial:

... a perception of individuals squeezed between the Scylla of the state and the Charybdis of corporations, (Lomasky, 2002:51)

This conception admits that in practice all of these perimeters do overlap and yet they are understood to be analytically distinct. This has not always been the case, which the historical twists and turns of "civil society" aptly demonstrate. Indeed, some of the normative approaches outlined above deviate from this view, and they diverge on the extent of civil society's inter-dependence and the rationale for viewing state, civil society, economy, family and political spheres as distinct entities. These divergences will now be discussed.

Cohen and Arato (1994), on the new left perspective, unfold a complex model where civil society is the third realm between the state and the economy, with a mediating sphere operating in and between all three institutions. Civil society is situated in the reproduction of the structural differentiation of the cultural-linguistic lifeworld and between public and private spheres. The state and civil society are separate to both conserve civil society's critical potential and at the same time to enable the state to implement change championed by civil society. The state guarantees law, but this is agreed and validated in civil society. Similarly, for Chambers (2002), state and economics are separate from civil society because of their competing logics of power and money, which otherwise could colonise the lifeworld and block communication.

Liberal egalitarians reinforce civil society's independence from the state as the state uses non-voluntary means of compulsion, unlike civil society. At the same time they recognise that the state creates the framework for civil society and may need to intervene in civil society to realise goals and to minimise inequality Walzer (2002:35, 49). Walzer (2002) includes marketplace associations and companies, but it is questionable to what extent these are

voluntary and non-coercive, given that people's wellbeing is incorporated with them and membership is not necessarily voluntary.

Libertarians/neo-liberals call for the state to be curtailed as it is expansive and limits liberty, although some government is needed to stop anarchy. Civil society is a realm of freedom and is only limited by minimal, negative rights upheld by the state. This perspective includes the market and forms of economic association in civil society, arguing that liberalism does not decide which kinds of association are better than others (Lomasky, 2002). In neo-liberal approaches, civil society is seen as a necessary precondition for the current market order (see Fukuyama, 1995), thereby arguably subordinating civil society to the needs of the market.

Radicals such as Laclau (2000) and Laclau and Mouffe (1985) believe that society cannot be separated from the state because state-civil society relations is uneven and particular and they are integrated through hegemony and neither the state nor civil society are homogenous. They do not discuss the economy, suggesting it may be subsumed into civil society, as they perceive that the "distinctions public/private civil society/political society are only the result of a certain type of hegemonic order" (Laclau and Mouffe, 1985:185). Moreover, as Little (2002) and Cox (2003) call for a different economic order to emerge from civil society, it does appear that the two may be intertwined. Nevertheless, the fact that they refer to entities of state, civil society and the economy means that they must have some analytic utility through being distinct from each other.

Communitarians view civil society in contradistinction to the state:

... civil society describes the associations in which we conduct our lives, and that are our existence to our needs and initiatives rather than to the state. (Dahrendorf, 1998:81)

According to Etzioni (1997, 2000), the state needs to be limited, reducing its coercion through rights, and civil society should instead set the moral tone through sanctioning certain kinds of behaviour and *moral suasion*. Taylor (1995) also puts forward a persuasive case, shared by Etzioni (2004), that deliberations in civil society should direct state activities. The economy is far less obvious in communitarian accounts, although work seems to be a key part of the communitarian agenda. Taylor (1995) includes the market economy whereas

Hollenbach (1995) and Spragens Jr (1995) separate civil society from the economy.

Some theorists (Himmelfarb, 2000) now include the family in their conception of civil society, responding to feminists' concerns that women's "public and private statutes are inextricably linked" (Rosenblum, 2002:152) and the fact that family forms in the West are more fluid and easier to choose. However, families are never entirely free and constitute a special set of emotional ties bound up in kinship, myth and economics, and many theorists still leave the family out of civil society. Consistent with this argument, the family will be left out of this examination of civil society.

Cohen and Arato (1994) also outline a political society where the state interacts with civil society, viewing deliberation as taking place between these two in political parties, electoral mechanisms and state's legislatures. This may also be useful in describing civil society.

Towards a definition of civil society

Thus, civil society approaches again diverge on where to locate civil society on a macro level. The reasoning for this and the nature of relationships between barriers is partly shaped through normative commitments. Whilst these differences have been outlined in order to operationalise civil society and empirically study it, the research will focus on civil society as non-state, non-economic and non-familial interaction. This functional definition allows exploration into what is distinct about civil society, whilst recognising that there is some overlap between these spheres. However, where the economy protrudes civil society in the form of representative associations, whilst not being strictly profit-making these associations will be understood as economic society¹³ and therefore will be part of the ensuing discussion. Nonetheless, the different stances taken by institutions and theories as to where civil society resides with respect to the state and the economy will be discussed in the rest of the thesis. Still to be resolved is what are constituent parts of civil society and what can be taken to be a unit of analysis.

The unit of analysis for civil society

Theoretical approaches understand civil society broadly as a societal realm whereas empirical research on civil society usually focuses on Civil Society Organisations (for example Blair, 2004; Yishai, 2003). Nonetheless there are some studies that look at the overall health of civil society and social capital, instead looking at structural macro indicators, (for instance Beetham et al., 2002a, use this approach to analyse civil society's contribution to a country's democracy). The associational/organisational aspect of civil society similarly is usually elevated in theoretical discussions. What different authors elevate as key civil society components will now be discussed.

Taylor (1995:185) emphasises the voluntary association of civil society, whereas other approaches (Cohen and Arato, 1994:492; Laclau and Mouffe, 1985) underscore new social movements as the pivotal components of civil society. Communities are also understood to be part of civil society. However, as many of these communities are created through associations (Hollenbach, 1995), this will not be used as the unit of analysis. The public sphere/media is another component of civil society and also has not been subject to much empirical inquiry under the auspices of civil society-EU connections, although research is beginning to emerge (see Porta, 2003). What all these approaches and parts of civil society have in common is that they view civil society as a site of possible *interaction*. This study will therefore study civil society by using CSOs, as organisations bring together one or more individuals to interact. Secondly, it will focus on CSOs over other alternatives because these cover a whole gambit of interacting social life, whereas social movements are largely sectional in nature and only compromise some sectors. Thirdly, the European Union discusses civil society in terms of its organisational components and it is a tried and used unit of analysis.

This section has demonstrated that different conceptions of civil society exist today and have existed in the past. These conceptions have a normative component, which has enabled five separate ideal type conceptions of civil society to be discerned. The conceptions also have different views of where civil society lies externally and to a lesser extent internally. This means that it is important to view civil society as a "Heinz 57" political term, subject to different theoretical shapes and forms. The various conceptions of civil society will be

important in subsequent chapters (Chapters Four, Five and Six in particular) in order to understand how different institutions and actors construct the term. Another important theme is the recognition that the state is the key in shaping civil society and this will be returned to in later chapters. However, as an **analytic concept civil society will be understood as resting between the state, the economy and the family, and will be explored through Civil Society Organisations.**

Civil society's re-emergence in political theory and in governance has been bound up with concerns about democracy (Baker, 1998). Thus it is to civil society's democratic potential that the chapter now turns. A preliminary sidetrack into democracy is the first imperative. This will reveal that democracy, like civil society, is a problematic theory and term. These different democratic understandings are similarly important for analysing civil society's contribution to democracy:

The various notions of civil society and democracy are inter-related: one notion of civil society makes a certain notion of democracy. (Hanberger, 2001:222)

DEMOCRACY: DEBATE AND DEFINITIONS

Currently, as Dahl (1989:213) point out, "democracy" has widespread appeal across the globe. This dominance transcends all shades of the political spectrum in the search to secure governmental legitimacy,¹⁴ (Held, 1987). Thus democracy is rendered as amorphous and in danger of coming to stand for everything and therefore nothing (Satori, 1987:4). The various uses of democracy as a real and ideal value and procedure and way of life, and as a way of peacefully choosing leaders, exacerbate this latent tension. Different theorists separate out different strands of democratic thinking; for example Held (1987) identifies eight ideal types which include for example, participatory and representative democracy.

The key debate or cleavage in democratic theory has been between normative views of democracy; viewing democracy as an ideal to aspire to (as used by Crouch, 2004), juxtaposed with the view of democracy as it *is* in contemporary "democratic" systems (for illustration of this debate see Lively, 1975; Mansbridge, 1988; Wintrop, 2000). Running the risk of simplification, the

former emphasises democracy as active participation beyond periodic voting and usually as a set of ideal democratic norms. The latter focuses on democracy as procedures for the effective running of power based on empirical observations of political systems (Schumpeter, 1944). The basic conditions for this minimal democracy are identified by Dahl (1989) in polyarchy, these are described in Table 2.1.

Table 2.1: Institutions of polyarchy

Institutions of Polyarchy		
Elected Officials	Free and fair elections	Inclusive suffrage
Right to run for office	Freedom of expression	Alternative information
Associational autonomy		

(Source: Dahl, 1989:221)

Following on from Arblaster (1987) and Manent (2003:114) the key premise of both of these positions can be found in “the idea of popular power, of a situation in which power, and perhaps authority too rests with the people” (Arblaster, 1987:8). This gives rise to a concern with equality, so that the people broadly speaking are equal in the exercise of that power. Some liberty is similarly desirable in order that people are free to exercise power. It also gives rise to the need for legitimacy in that the use of political power should arise from consent of people and further requires accountability so that people can grant their consent. Democratic approaches can therefore be seen as divergences concerning how best to operationalise and conceptualise the exercise of popular power in the face of empirical and theoretical challenges.

The representative democracy approach appears to be under sustained criticism following dissatisfaction with current systems of democracy. Symptoms of dissatisfaction can be found in declining voter turnouts and the rise of many alternative approaches that seek to supplement or supplant representative democracy (for example Dryzek 2000; Hirst 2002). Of particular interest are deliberative democracy, radical democracy and associational democracy. All of these approaches take issue with increasing pluralism in civil societies of advanced democracies and call for more citizen *participation*.

Associative democracy has many crossovers with liberal representative accounts. Working upon the premise that democratic states are losing effectiveness and legitimacy through a failure to deliver goods (Hirst, 2002: 411-412), legitimacy and effectiveness are restored by mainly voluntary associations providing for different welfare needs and by decentralising the state (Bader, 2002:1, 2). Deliberative democracy perspectives are more in line with participatory civic republican views and focus on the educative aspects of deliberation. Deliberation endows citizens with the critical capacities to realise their own interests and accommodate others.

Arguably, deliberative democracy is “not a proper ‘model of democracy’ at all but only an ingredient of one” (Squires, 2002:133-134). Accordingly, Habermas (1998) views deliberative democracy as rational deliberation in the public sphere, supplementing liberal representative democracy. The idea is that through informal public spheres, public opinion is forged through reasoned discussion in those spheres and this will then be transmitted onwards to institutional will formation (i.e. parliaments/assemblies) via elections. Dryzek (2000) outlines another, more critical kind of deliberative democracy in response to criticisms raised towards deliberative democracy that does not treat all participants equally (Miller, 2002). The deliberative approach has, in particular, been popular amongst scholars of EU democracy (for example Cohen and Sabel, 1997). Finally, radical democracy calls for “a hegemony of democratic values” (Mouffe, 2001:526) across spheres based on pluralism, made possible by different antagonistic particular struggles against inequality recognising their equivalence (Laclau and Mouffe, 1985). To conclude, the extent to which participation is open will be important for realising the political equality function of democracy.

This discussion has demonstrated changes in democratic thought and a myriad of democratic standpoints. With this in mind, this thesis will seek to explore the effects for democracy of civil society’s involvement/non-involvement in policy-making, by recognising the spectrum of democratic positions. This move is further warranted as the different formal political institutions involved in structuring civil society’s involvement understand and deploy the concept multifariously, as will be demonstrated in Chapter Four. Not forgetting that different democratic models accord civil society with different

roles (Fung, 2003) provides another rationale for illumination later in this chapter and thesis.

The European Union's democratic deficit

In the first instance, the EU's democratic deficit must be considered, so that the nature of the problem can be understood in relation to the vaunted solution: civil society. Given that the democratic benchmark for the EU varies with the type of democracy at hand (Grande, 2000; Karlsson, 2001), there are four main ways of conceptualising the EU's democratic deficit,¹⁵ which are summarised below:

Table 2.2. Summarised accounts of the European Union's democratic deficit

Account	Deficit
• Standard	Lack of scrutiny, accountability and representativeness of institutions/procedures.
• Demos	No collective identity between members, or sense of belonging
• No deficit	EU as an inter-governmental organisation. Democracy rests with the member states.
• Participation	Lack of opportunities for citizen participation/deliberation

In the standard perspective, as Katz (2001) reveals, the problem is that the European Parliament (EP) is the only elected EU institution, yet it has few powers. Its representatives are also voted on national platforms, rather than truly European ones (Katz, 2001). The European Commission, the initiator and monitor of European legislation, suffers from a legitimacy deficit as its members are civil servants and appointees by the national governments. The main decision-making body – the Council of Ministers – consists of national representatives but conducts most of its meetings in secret, thereby compromising its accountability (Karlsson: 2001:64-66). The standard democratic deficit argument rests upon a procedural, representative understanding of democracy and, as Karlsson (2001:27) argues, it is predicated upon a model of democracy compatible with nation-states. The deficit is one of

disconnection, lack of effective scrutiny and accountability rather than participation. Solutions focus on improving representation by the EP and on output legitimacy.

However, Moravisk (2003) believes that the EU does not have a democratic deficit. He argues that the democratic benchmarks used to evaluate the EU are utopian and that adequate accountability, limited powers and checks and balances keep the EU under democratic control. However, his analysis is weak when refuting the need for active citizens, resorting to comparing citizen activity to parliamentary debate (this seems inappropriate in light of citizen activity in many other arenas) and stipulating that people would simply not get involved. He thereby sides-steps the important issue of needing to get involved by looking at the barriers to and the likelihood of citizen participation.

The *demos* perspective argues that any democracy needs its citizens to view themselves as a collective, enabling a harmonious aggregation of interests (or common good):

Without any form of *demos* there will always be democratic deficits
(Zurn, 2000:98)

Common identity is lacking in the absence of a common European language, media and history all of which mitigate against the creation of a public sphere allowing people to communicate, understand and recognise each other's views (Greven, 2000). Seidentop (2000) and Habermas (2002) both propose solutions to the lack of a *demos*. Seidentop (2000) views a European identity as possible with English being the *lingua franca* and having a moral common identity in liberal Kantianism and Christian ancestry. However, this is likely to alienate many of Europe's citizens, as the furore over inserting a reference to God into the failed European constitution shows. Habermas (2002) instead argues for a post-national democracy where people consciously shift their loyalties to the EU. The failed constitutional referendum shows that this still requires some motivation for citizens to make this happen.

The final perspective on the deficit, and one of the most recent (Smismans, 2003:473), is that the EU citizens have little opportunity to participate directly in European affairs or to deliberate on European affairs (Nentwich, 1996) and this exacerbates the sense of disconnection from the EU

project (symptomatic in the failure of some EU national referendums and low election turnout). This perspective overlaps with Magnette's (2003a) view of the deficit as one of governance. Ultimately it rests on the idea that the EU is not yet a superstate, not simply an inter-governmental organisation and therefore existing modes of representative democracy designed for nation states are not appropriate for a polycentric organisation; Warleigh (2003:2) refers to this as the "functional-ideational gap". Instead, representative democracy must be supplemented by participatory democracy (Berger, 2004:1) – which entails greater public participation and deliberation – although some perspectives view this as eventually aiding aspects of a European *demos*. The EU institution's recent desire to embrace civil society (De Schutter, 2002) means this model has application to the EU. It highlights input legitimacy (Michalowitz, 2004:146) which rests more easily with democracy understood as popular control of power, but also highlights that the political and democratic side of integration has not kept pace with economic integration (Habermas, 2002; Seidentop, 2000). Civil society is seen as part of the solution to this deficit, with some accounts still calling for reform to the EU institutions (Warleigh, 2003).

Explicit and implicit in many of these discussions is that it is *European* civil society that is meant to reconnect the citizens (e.g. Rumford, 2003). Yet there are some caveats to this in that national/regional/local civil society can sit alongside and does constitute a "European" civil society (Armstrong, 2002:113). Moreover, meaningful civil society interaction must also occur at the lower levels of civil society for Europeanisation and citizen participation to occur, as the polity must come from below (Chryssochoou, 2000:228). Indeed, as Reale argues the "participatory model is conceived as a bottom-up, rather than a top-down model" (Reale, 2003:3). Thus, this study proposes to explore an under-researched area: that of EU-civil society interaction from a regional vantagepoint.

Crucially, the state of the EU's democracy is inter-dependent with democracy at the Member State:

National and European democracy problems exacerbate each other. On the one hand, the democratic deficit within the European Union is rooted in pre-existing problems at the national level. On the other hand, the

undemocratic nature of European governance has been said to 'pervert' the functioning of our national democracies. (Verhoeven, 2002:59)

Given that there is widespread alienation from politics nationally and the EU cedes sovereignty and democratic control away from the nation state, this situation can be said to occur. Indeed, in the UK generally and in Wales specifically, civil society is also advocated as part of the solution to waning democracies. Therefore, a study that seeks to explore the EU's democratic deficit must also explore civil society activity across these inter-dependent levels to consider how national/regional dimensions may affect civil society's democratic potential. Evaluation of the EU's democratic deficit from the vantagepoint of one Member State admittedly limits the completeness of any evaluation. On the other hand, by taking into account member state/regional dynamics it will help fill a gap in the literature, which concentrates on exploring the democratic deficit from the Brussels level.

In summary, the EU's democratic deficit varies in focus depending on the criteria of democracy used. There are arguably democratic deficits which are procedural, institutional, demos and participatory in nature. Civil society appears as part-solution for the last perspective on the EU's democratic deficit. However, even within this account it is not understood as a cure-all. This suggests that the role that civil society can play in aiding democracy within EU governance is limited. The democratic role played by civil society in the EU has been under-researched from the regional perspective. This lacuna needs to be remedied because of the inter-dependence of democracy among levels of European governance and to explore the extent to which European participation has spread to the grassroots. Now the chapter must turn to the means by which civil society can aid democracy.

DEMOCRACY AND CIVIL SOCIETY

The connections between civil society and democracy

Civil society's re-emergence cannot be seen in isolation from the state of democratic play in advanced and emerging democratic systems. The Central Eastern European revolutions endorsed civil society as the key agent for

democratic change and advanced democracies advocate civil society as the solution to ailing representative democratic systems. This suggests that the two concepts of civil society and democracy are closely intertwined. However, as Torpe (2003:330) comments, how civil society actually aids democracy needs further empirical research. Indeed, different democratic theories accord more or less space to civil society. Therefore, it is important to explore the way in which different civil society and democratic theories view civil society's democratic role. This section will also argue, and this was touched upon previously, that CSOs must be examined both individually and collectively in order to assess their democratic role within/outside of policy-making. A discussion of the external democratic role that civil society can play in policy-making will serve as a means to explore civil society's actual role within the EU policy-making process. An examination of groups' democratic functions outside of any policy-making role is further warranted since the EU and increasingly British and Welsh institutions now subject CSOs to appraisals of internal democratic characteristics before a seat at the policy table is given. Moreover, civil society's democratic role in policy-making is also conditioned by other democratic factors, not just by the extent/shape of involvement or non-involvement in policy-making.

Employing an approach used by Hanberger (2001) and Fung (2003), this author shall now outline how different democratic and civil society approaches conceive of civil society. Elite democrats have little to say on how civil society contributes to governance, bar viewing civil society as consisting of ruling groups which are perpetuated in government. Schumpeter (1944:283), by viewing human nature as irrational and easily manipulated, questions the need for greater citizen participation in any case. However, Mosca endows civil society with the capacity to check expansive government by taking on some of its functions (Wintrop, 2000:37). Neoliberals/libertarians echo this perspective with freedom of association being the central ingredient of civil society and democracy. Active participation is not needed as to force it would be undemocratic and civil society is free from state control (Lomasky, 2002). Thus, civil society is meant to be largely voluntary and to play a minimal role in democratic governance.

More procedural accounts of representative democracy view civil society as a means to extend people's representation, to put relevant issues on the agenda

and mediate public opinion to policy-makers (Dahl, 1989; Held, 1987). Other accounts of representative democracy, following Tocqueville, view Civil Society Organisations as important for active citizenship. The basic premise put forward by Putnam (1993:87-90) is that democratic institutions need to be complemented by social capital that spurs on civil engagement, tolerance, reciprocity and trust to make a civic community. Civil society, notably vibrant voluntary associations, generates and self-sustains these attributes of their members. This perspective has been criticised by several accounts for ignoring other kinds of organisations and institutions, over-emphasising the good aspects of association, that there are other mechanisms more important for civic socialisation and for downplaying the social economic status of participants (Maloney, 1999; Mistral, 2001; Roßteutscher, 2002). Thus, civil society enables civic socialisation and creates solidarity.

Putnam's views have some crossover with liberal egalitarian and communitarian perspectives of civil society, for liberal egalitarians' civil society is a school of citizenship that encourages public spiritedness, toleration and participation (Walzer, 2002:38). This view also concedes that civil society consists of inequality and that the democratic state must also try to weed out such inequalities. Communitarian perspectives, on the other hand, concentrate on the solidarity effect of civil society in the community. However, communitarianism can be seen as axiomatic to democracy, as it advocates a specific good life, is non-voluntary and does not encourage democratic norms (Barber, 1998:22-33).

The more participatory accounts of democracy previously outlined do create more space for democracy, for example associative democracy views CSOs contributing to self-governance, service provision and increased pluralism. Deliberative democracy accords civil society with a range of democratic functions including carrying issues to the political realm and providing a space for discussion, thereby mediating public opinion from groups to create public policy (Habermas, 1998). Civil society is also charged with fostering civic dispositions for democracy and producing counter knowledge. This is similar to new left views on civil society and democracy, where civil society is the site of democracy that aids discourse, educates people into a democratic political culture, stops domination and democratises the state, civil disobedience and the economy, and shapes and is guaranteed by law. However, civil society must be

internally democratic and needs egalitarian institutions to work. New leftists understand civil society as complementary to representative democracy (Cohen and Arato, 1994:412). Radical approaches to civil society and democracy similarly want to increase democracy through all spheres but are less comfortable with the representative model of democracy. Civil society facilitates self-management (Baker, 1998:199) and participation, and provides a counter-hegemonic balance, making political decisions through dissent and deliberation (Mouffe, 1993).

Thus, we can see the various approaches to democracy give different space to civil society, particularly in regards to civil society's relation to the state. Moreover, different civil society approaches also have different notions and roles for civil society in democracy. Therefore when assessing civil society involvement in democracy, one must be attentive to the notion/shape of civil society at hand as well as the view of democracy. This author hypothesises that the space for civil society involvement in EU policy-making will therefore, in part, be conditioned by institutional and actors' views of what is civil society, democracy and their inter-relationship. This will be the subject of analysis in Chapters Four, Five and Six. It is also evident that civil society is accorded a range of democratic effects from individual skills to governance. However, many of these effects are inter-related, in that one necessitates the other. Moreover, what comes through strongly from the above discussion is that civil society's relation to the polity/state is the key in shaping democratic relations.

Civil society's democratic contributions in policy-making

Policy-making is one such instance of civil society interaction with the polity/state. As stipulated previously, the research focuses on this area as this is the site where the European Commission claims to embrace civil society. The input of civil society in policy-making is also central to this idea of a more participatory democracy. Civil society's role in policy-making moreover encompasses some of the public debate functions and socialisation of individuals accorded to civil society in democratic theory. Groups give individuals the skills to participate in policy-making and also contribute loosely to policy-making through shaping public opinion and the issues on the agenda, as well as actively interacting with political institutions to create policy.

Civil society and state relations in matters such as policy-making have been analysed through democratic theories of interest groups: pluralism and corporatism. These will now be explored with discussion of their democratic implications together with other democratic functions given to civil society in policy-making and the limits/problems of civil society in policy-making.

Issues abound over what corporatism and pluralism actually mean. The former term came into academic prominence in the 1970s with the failure of pluralism to account adequately for civil society-state relations (Grant, 1985:1). Taking its basis from inter-dependent governmental co-operation with peak business and trade union organisations, corporatism's definition and usage has expanded according to the subject at hand. Schmitter (1979) articulates this traditional definition:¹⁶

Corporatism can be defined as a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberative representational monopoly within their respective categories in exchange from observing certain controls on their selection of leaders and articulation of demands and supporters. (Schmitter, 1979:13)

Similarly important is that groups in corporatist arrangements are involved in decision-making and that this is a process of exchange with the state (Cawson, 1985:6-7). On the other hand, pluralist accounts, believe there are greater numbers of groups involved in the policy process and that this involvement is weaker:

Pluralism can be defined as a system of interest representation in which the constituent units are organised into a number of multiple, voluntary, competitive, nonhierarchically ordered and self-determined (as to the type or scope of interests) categories which are not specifically licensed, recognized and subsidized, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories. (Schmitter, 1979:15)

Thus, corporatism and pluralism can be fruitfully understood as two ends of a continuum of civil society-state interaction. Pluralism is seen as an essential part of democracy, whereas the democratic credentials of corporatism are less

well defined. Corporatism, this author would argue, places its “democraticness” largely in the hands of output legitimacy, in that effective outcomes as a result of corporatist relations justifies the means (similar views are expressed by Cawson, 1983:179). However, as Dahl and Lindholm (1976:508) point out, large corporatist organisations do not represent the interests of everybody, and in big post-industrial, complex societies, national interests cannot be defined by a few organisations (Eriksen, 1990). Cawson (1983) alternatively argues for corporatist groups to “encourage widespread participation in their internal decision-making” (Cawson, 1983:183), aiding input legitimacy. Corporatism also reduces the importance of parliamentary representatives in making decisions. However, as Grant (1985:27) and Haddow (2002:69) point out, at least it does allow for some citizen participation in policy-making, and therefore aids some input legitimacy.

Pluralism, on the other hand, provides both input legitimacy and output legitimacy. Pluralism is seen as a key part of democracy, particularly in American accounts (Wiarda, 2003). In this perspective, groups help citizens achieve their goals by maximising preferences in policy-making and institutional openness, which means marginalised views can be taken into account (Held, 1987:191; Michalowitz, 2002:39). However, in practice democracy does not operate like that since there are imbalances between groups in terms of resources and influence (Held, 1987:195).

Neither of these approaches was designed to test the ideal of democracy, yet they provide another useful heuristic device for exploring civil society-state interaction and understanding the different effects for democracy. The key aspects in separating out the two perspectives are found both at the policy-making level and at a group level. For the former, access and openness of political institutions shapes the degree of inclusion/exclusion. The kind of participation – whether simply consultation or decision-making – also helps to separate the corporatist-pluralist dynamics. Finally, the numbers and types of actors (in how do they fare in internal democracy/membership participation and independence from the state) are also important. Nonetheless, as Michalowitz (2002:41) argues, these approaches have limited utility for exploring the EU context, since the EU is not a state. However, as the EU has “state-like institutions” these can serve as the site for exploring civil society-state relations

at the EU level. Michalowitz (2002) also argues that pluralist and corporatist civil society-EU relations occur at different points and times in the EU policy-making process. This research is sensitive to these differences but pluralism and corporatism will provide a rudimentary device for exploring civil society-state relations more generally, outside of individual policy sectors.

Civil society can more broadly contribute to democracy in a range of ways through policy-making. Civil society groups can represent interests, thereby conveying to government the intensity of public opinion on an issue or representing the views of the marginalised. Civil society, as previously stated, could also keep government in check and scrutinise policy, ensuring policy is relevant to people's needs. Groups similarly provide information, resources and in some cases increase the legitimacy of policy by including the voices of those directly affected. CSOs can also contribute to public debate and mediate public debate on policy issues and be a site of resistance. Civil society can participate in consultation or even decision-making and implementation of policies and as Cooke (2002) argues, participation in policy-making can also lead to increasing the rationality and fairness of outcomes. The extent that democratic theories view civil society's involvement in policy-making as important depends on where they reside on the participatory-representative continuum and whether democracy in part requires output and/or input legitimacy. Moreover, it also depends on how theories perceive the nature of civil society groups, to which the chapter now turns.

Indicators of Civil Society Organisations' democratic contributions

The forms, purposes and memberships of associations determine the extent to which they make these various contributions to democracy. (Fung, 2003:517)

The earlier discussions on civil society theory and democracy highlighted that different groups have different democratic effects and contributions. This reasoning underwrites Warren's (2001) theoretical study into how associations contribute to democracy, making it worthwhile to describe Warren's study. Warren (2001) argues that broad assumptions on how associations contribute to democracy are meaningless. Instead he conceptualises a middle-range theory of how different associations may further radical democracy.¹⁷ He defines

associations along their ease of exit, their medium and also their constitutive goods. Constitutive goods are understood to comprise the status of the association, interpersonal identity, individual material, exclusive group identity and inclusive social and public material. In other words, to what extent does the group bring material benefits and shape identities with respect to the rest of the polity? This allows him to trace associations' democratic effects in terms of individual development, public sphere and institutions. He also looks at the extent to which different logics (money, power and social) are present in the associations, but this ignores the structural context (for example the attitude/relations with political institutions) that can constrain civil society's contribution; this must also be alluded to.

Following from Warren (2001), and by gathering the key characteristics/democratic roles attributed to civil society across approaches, it is possible to look at individual groups' democratic contributions. This allows a comparison of the "democraticness" of the groups involved/not involved in the EU policy-making process. The extent to which groups are voluntary also needs to be explored, for some perspectives only see voluntary groups as capable of democracy. Functions and goals must also be looked at to see whether groups are uncivil and because their goals will affect their types of democratic contribution, if any. By looking at groups' membership it will be possible to gauge whether civil society groups can give voice to the marginalised and whether bonding social capital is occurring. The extent to which members/stakeholders participate in a given group is important to a group's accountability and legitimacy and for its representativeness and whether individual members' civic and political skills are being created. By examining the internal democratic credentials of an organisation this will identify whether the structures are in place for the organisation to be accountable and have legitimacy. The extent of internal and external deliberation will also be addressed to explore whether individual skills and public sphere effects are being created such as reflection, tolerance and critical faculties. Finally, the wider context that the environment the CSO is operating in, must be investigated to delve into the extent to which the borders between the group and/or the economy are porous, determining its independence and its critical capacity to hold

government to account. This can be ascertained through a group's resources, its orientation and funding.

Civil Society Organisations' democratic indicators:

- Functions and goals
- Internally democratic
- Internal and external deliberation
- Member/stakeholder participation
- Member status
- Resources and independence
- Voluntarism

By looking at these aspects together it should be possible to help discern whether civil society can and is contributing to the EU's democracy via involvement/non-involvement in EU policy-making, whilst recognising that not all approaches assume civil society's involvement in policy-making is positive for democracy:

If we can develop a good account of the associational ecology of the developed liberal democracies, we should be able to predict what kind of adjustments, inducements, laws, policies, movements, and other forces might, in aggregate, be good for democracy. (Warren, 2001:13-14)

There are of course different ways to assess civil society's democratic contributions. Some use macro indicators such as the freedom of the media (Beetham et al., 2002) or for example levels of associational membership (Torpe, 2003). However, the unit of analysis here is the Civil Society Organisation – thus it makes sense to assess the democraticness of the organisations involved not involved in policy-making than the wider sphere of civil society. Democratic assessments based on organisations do exist (for example, Blair, 2004) and whilst these tend to focus on one or two indicators (for example, Taylor and Warburton focus on legitimacy), for the sake of democratic completeness and not privileging one type of democracy over another this study uses six.

CONCLUSION

Concepts of civil society (including discussions of boundaries and norms) have varied throughout history. This has allowed five normative types to be identified (communitarians, neoliberals/libertarians, liberal egalitarians, new left and radicals). Democracy is also multifarious in meaning, with the key dividing line being between participatory and representative types. These different interpretations of democracy mean that the EU's democratic deficit similarly has no one definition or cause, with civil society offered as only part of one solution. Civil society approaches diverge on the roles of civil society in a democracy and different democratic perspectives also accord more or less space and different roles to civil society. This means that attention must be paid to the notion and shape of civil society deemed to contribute to democracy, and also to the democratic notion. As the state is the key in shaping civil society and democracy, it was therefore hypothesised that how different actors and institutions understand civil society and democracy will shape the space accorded to civil society within EU policy-making.

Policy-making encompasses a range of democratic functions that civil society can play at the governance, public sphere and individual levels, thus attention must be directed towards these as well as basic involvement/non-involvement in policy-making. Civil society-state relations in policy-making can be explored from the dualistic perspectives of corporatism and pluralism. Each perspective has its own democratic strengths and weaknesses; in particular the corporatist civil society-state relationship may be problematic for the EU's democratic deficit. Corporatism emphasises output legitimacy, whereas the participatory paradigm on the EU's deficit highlights the need for input legitimacy from civil society. Thus, the extent to which civil society-EU policy-making is characterised by, broadly-speaking corporatist or pluralist arrangements will provide another indicator of civil society's role in the EU's democracy. This discussion also directed the need to explore civil society's access to policy-making, the openness of political institutions and the degree of inclusion/exclusion as well as the extent of civil society participation in the policy process. Indeed, the different organisations and type of actors were stressed as important variables. Thus, in order to compare the effects of those CSOs included in policy-making, attention must also be paid to the CSOs not

included in policy-making; to compare and see if the organisations involved are contributing to democracy, whether there are any implications of certain organisations being left out and again to assess pluralist/corporatist relations.

An important factor in this discussion has been that the role of civil society should not be over-valorised. Theorists both old and new have questioned civil society's democratic role. This research hopes to add to this debate with fresh empirical insights into their inter-relationship through policy-making. By recognising the differences in civil society and democracy it is hoped that this will also add to a new theoretical framework that recognises the conceptual complexity of these terms rather than "a one size fits all" approach. This research also seeks to describe civil society's role more generally in EU policy-making and to reveal the key factors conditioning that role. Thus, in order to fulfil these aims and understand as well as analyse the democratic role that civil society plays through EU policy-making – the rest of the broad analytical framework must be elaborated upon and justified in the following chapter.

DEVELOPING AN ANALYTICAL FRAMEWORK: POLICY- MAKING, MULTI-LEVEL GOVERNANCE AND POLITICAL OPPORTUNITY STRUCTURES

There is no one framework for exploring civil society (Fowler, 2004). Given civil society's recent return into the academic scene, it is a relatively new and multi-disciplinary area of inquiry. The thesis has already drawn upon civil society and democratic theory in Chapter Two to explore their inter-relationships. Yet this is not the end of the study's theoretical story, for the thesis seeks to place, analyse and explain civil society's role in the EU policy-making process. Thus, this chapter will evaluate relevant approaches to civil society and policy-making, with a view to their utilisation in this study.

The academic terrain that could potentially guide such an inquiry encompasses several disciplines, including policy-making, interest groups and European integration. After exploring these standpoints this chapter will argue that the POS approach, adapted for the study, provides the necessary organising framework to situate, analyse and explain the role of civil society in Wales in EU policy-making.

In order to demonstrate the relevance of the Political Opportunity Structure, the chapter will first review the literature that either already is, or could be, used to explore civil society's role in EU policy-making. It will elaborate upon contending theories of the policy process, such as policy networks and new institutionalism, as well as Europeanisation. The chapter will also discuss interest groups approaches and civil society studies and the applicability and limitations of these methods to the area of inquiry will be assessed. Finally, Political Opportunity Structures – their uses, emergence, key elements, limitations and applications to the EU context – will be explored.

CIVIL SOCIETY, POLICY-MAKING AND THE EUROPEAN UNION: VARIOUS APPROACHES

What approaches can be used to explore the phenomenon under investigation: civil society in Wales and European Union policy-making using the case of the Convention? This section evaluates some of the approaches and outlines the context of the EU polity.

Following increased sub-national activity involvement in EU policy-making particularly through structural funds, a new perspective on the EU polity emerged – Multi-level governance. MLG views policy-making as diffuse and shared among a range of actors (Hooghe and Marks, 2001). MLG is derived from observations of EU structural funds, where nation states do not dominate policy-making and decision-making competencies are shared by actors below, above and outside of the nation-state. In turn, different levels of governance are interconnected and the sub-national can interact directly with the supra-national bypassing the nation-state. MLG validates this thesis's research area by suggesting that sub-national actors can have direct relationships with the EU. Moreover, although MLG studies assume the involvement of sub-national actors, they tend to concentrate on sub-national *authorities* overlooking sub-national *non-governmental* actors (George, 2004:122-3), which further warrants more research on the latter (for exception see Constantelos, 2004). Equally, MLG studies typically focus on matters of low politics, and research into areas of high politics such as the Convention, will help explore MLG's broader applicability to the gambit of EU policy-making (Jordan, 2001:12). Thus, this thesis can be situated against the backdrop of MLG and may help to shed light on the existence of MLG outside of sub-national authorities.

Multi-level governance has similarly been used in approaches of Europeanisation (see Bache and Marshall, 2004). Europeanisation is the new approach towards the study of the EU, that looks at "the impact of European integration on Member State policies, practices and politics" (Schmidt and Radaelli, 2004:183). This has been applied to interest representation: how the EU affects national interest groups (for example Constantelos, 2004; Fairbrass and Jordan 2002). Europeanisation studies, however, predominantly focus on the effect and the input of the Member State, not on the sub-national component part of the Member State (for exception see Constantelos, 2004). Nonetheless,

Europeanisation requires longitudinal analysis outside of one instance of policy-making and thus has limited value to this study, which is focused on the Convention.

As Richardson (2001:5) notes, the dominant approach to EU policy-making and indeed the role of groups within that approach, has been the policy network/community perspective. In policy networks power is dispersed among state and non-state actors, who make policy. Networks consist of a limited number of inter-dependent actors and they help structure action by setting the rules of the game and issues on the agenda (Rhodes, 1997:9-11). As such, they lie outside the formal structure of government (Considine, 2005:126) and tend to be issue/sector specific (Marsh, 1998:15). They vary on a continuum from policy communities (which are fairly stable, exclusive, have a limited number of actors, and participants' identities are likely to change) to issue networks (which are more fluid and have a greater number of actors) (see Marsh, 1998:16). Policy is made in networks because of actors' inter-dependence and incorporates co-operation with "exchange of resources between the actors" (Marsh, 1998:9). However, this research seeks to look at civil society groups across a range of sectors, which limits the dividends that policy networks can bring to this study.

The most frequently-cited approach to EU policy analysis is the garbage-can model. Here three streams of problems, politics and policy can sometimes coincide with windows of opportunity and the drive of policy entrepreneurs to create change (Richardson, 2001). The three streams refer to the fact that problems have to be identified for policy to be created, political events can change policy agendas, and policy-making is affected by the method of selecting policy (see Winn, 1998:123). Unclear technology, problematic preferences and fluid participation characterise this situation of policy-making and as such seem to have applicability to the complexity and unpredictability of the EU. The garbage-can model seems particularly suitable as to how policy items get on the agenda and evolve. However, in this study, which covers a range of policy sectors and where the Convention's agenda was already partly pre-determined, and which is focused on one type actor – CSOs – the garbage-can model seems to be less useful.

Neo-institutionalism has also made much impact in EU studies, particularly in relation to institutional adaptation and change (Bulmer et al.,

2002; Knill, 2001; Pierson, 1996). It has also been applied to policy change and policy-making (Hall, 1992; Immergut, 1992). Neo-institutionalism is a vague perspective, encompassing several sub-types. The key tenet is that “institutions matter” (Knill, 2001:20) and institutions are one independent variable that serve to structure and control action. However, in neo-institutionalism there is much divergence on what an “institution” means. In essence, new institutionalism varies from old institutionalism by viewing institutions not only as formal organisations but also as compromising informal aspects (Peters, 1999). Moreover, there does appear to be consensus that institutions are rule-based. For example, Thelen and Stenimo (1992:2) go on to define the institutional context as “the rules of electoral competition, the structure of party systems, the relations among various branches of government and the structure and organisation of economic actors like trade unions”.

Institutions affect policy-making as they shape the policy-making setting and are not neutral (Warleigh, 2002:7). Institutions also influence actors by delimiting power and interests and ideas:

On the one hand, the organization of policy-making affects the power that any one set of actors has over the policy outcomes. On the other hand, organizational position also influences an actor’s definition of his own interest, by establishing institutional responsibilities and relationship to other actors. (Hall cited by Thelen and Stenimo, 1992:2-3)

Such an approach arguably downplays the role of agency (Warleigh, 2002:8). Agency is an issue in the EU context, where there are EU institutions such as the European Commission and EP which serve to shape and control behaviour, but who are sometimes accorded recognition as institutional actors in their own right; which begs the question: when does an institution become an actor? Logically extending institutionalism towards society implies that CSOs can likewise be construed as institutions, shaping and reinforcing the behaviour of their members.

Thus, institutionalism does direct attention to how features of political life structure action and, broadly speaking, appear to be useful to this study, situating the political institutional context within which civil society groups find themselves. However, there are issues over the catch-all nature of institutionalism and the ability to apply it fully here. Indeed, scholars like John

(1998:9) argue that over-theorising frameworks can sometimes detract from sound empirical analysis, which can speak for itself. Like empirical institutionalists, this thesis believes that institutionalism dividends can be made by focusing upon formal political institutions (see the discussion in Peters, 1999).

However, approaches that explore the role of interest groups, and in general policy-making in the EU, similarly outline the rules of the policy-making process, the prescribed roles of formal political institutions and consequently the power amongst actors (for example, Mazey and Richardson, 1993a), suggesting that neo-institutionalism has some weight and is used even if it is not so-called. Interest group studies, which highlight the role of groups in relation to the political system can be applied to analysis of civil society in policy-making, as civil society is partly composed of groups.

Studies of *European* civil society, or civil society gathered around the EU, using civil society as a unit of analysis in its own right, are comparatively recent (despite the phenomenon dating back to the European Coal and Steel Community: Greenwood, 2003a), and are mostly of a theoretical nature (for example, Machivelli, 2001; Rumford, 2003). Two empirical studies apply elements of social movement theory (Lombardo, 2003 and Ruzza, 2004). Ruzza (2004) uses frame analysis and political opportunities to analyse European civil society as movement advocacy coalitions (MACs)¹⁸ and their impact on policy-making. Frames are used examine the fit between institutions and the MACs on key issues/actors and to explain social movements' success in policy-making. Ruzza (2004) also considers the institutional structure of a policy area, movement resources, presence of elite allies and movement institutional-interaction in explaining MACs successes. However, as Ruzza's (2004) research is based on using three sectoral MACs as case studies, this study explores only part of civil society, whereas this thesis intends to explore civil society more widely.

This emphasis on framing resonates with another trend evident in policy-making analysis, namely that the discursive and ideational can also shape policy and involvement (for example Hajer and Wagenaar, 2003). It directs attention away from purely interest-based approaches to the role that values and concepts can play. In the study of the EU, Smismans (2003:474) employs discursive

institutionalism to explore how EU formal political institutions have “developed a discourse on civil society and civil dialogue”. Whereas, Schmidt and Radelli (2004) understand discursive institutionalism as situating an institutional actor’s policy discourse on the basis of the institutional setting, i.e. how power is organised. Regardless, both approaches view that discourses can shape/reflect institutions and in turn the views of their actors. This perspective is reinforced by Ruzza’s (2004) evaluation of the POS applied to MACs, when he calls for exploration into the fit between institutions and MACs discursively and on their civil society perspectives:

In particular it is necessary to analyse the emerging views of civil society by the different families of actors as these views shape the ‘rules of engagement’ between MACs and institutions. (Ruzza, 2004:172)

Thus, this perspective gives credence to the hypothesis in Chapter Two as to how, in particular, institutions and, in turn, actors understand/articulate civil society as a discursive category will partly shape civil society’s role in policy-making:

In other words, the manner in which the term [civil society] is used signals who has the right to participate and exert influence in policy-making (and who has not). (Goehring, 2002: 120)

Institutional perspectives will be outlined in Chapter Four and their compatibility and effects further tested in Chapters Five and Six.

The academic landscape of EU policy-making and civil society contains a range of approaches. This section has striven to outline and evaluate these in relation to the research questions. Due to the study’s focus on one particular instance of policy-making, together with seeking to explore the general context of policy-making across a range of sectors, the usual approaches to policy-making and networks/communities have less utility here and no one approach will neatly serve as a framework. There is, however, much crossover with MLG, and MLG further serves to legitimise the study by reinforcing the need for additional research into sub-national actors beyond the state. It has also been argued that policy analysis has moved away from solely realist, rational-oriented

explanations and that ideas may play a role. Thus, the thesis will work on a “pick-and-mix” premise to outline the phenomenon:

The complexity of the EU policy process means that we must live to learn with multiple models and learn to utilise concepts from a range of models in order to help us describe it as accurately as possible. (Richardson, 2001:23).

This thesis works on the assumption of multi-level governance (i.e. that it is possible) and will use discursive institutionalism to explore formal political institutions’ views on civil society and democracy. Moreover, like all studies of the policy process, it will explore policy-making through the role of actors, institutions and ideas. Finally, the last approach that investigated civil society provides particular dividends as it allows the possibility to explore civil society across sectors. However, framing will not be used in this analysis because of the indirect nature and non-involvement of some of the civil society groups’ studies, but it is used in a loose sense to explore the compatibility in conceptions of civil society and democracy. Instead, the rest of the chapter will argue that political opportunities have particular promise for this study.

POLITICAL OPPORTUNITY STRUCTURES

Background

The idea of Political Opportunity Structures arose out of the political process theory of social movements (McAdam, McCarthy and Zald, 1996). Initially applied to new social movements (see Kitschelt, 1986), this perspective viewed political conditions as a key factor in explaining the emergence, shape and outcomes of collective action across nations:

The central tenet of the political opportunity approach to collective action is that mobilisation is not a direct reflection of social structural tensions, problems and grievances, but is mediated by the available opportunities and constraints set by the political environments in which mobilising groups ... operate. (Koopmans, 2004:451)

POS is still used primarily in investigations on social movements, but increasingly studies have applied POS to studies of civil society groups, citizen participation, policy outcomes, the international context and even inaction

(Malonely, Smith and Stoker, 2000; Meyer, 2003; Nentwich, 1996; Pickvance, 2001). The broadening-out of the applicability of POS could be explained by the breaking-up of the indistinct conceptual divide between civil society and social movements as individual social movement organisations become institutionalised. Yet as Marks and McAdam (1996:96-97) point out in relation to the EU context, interest groups and social movements both constitute challengers and the EU's contested "polity" status means that nation-state concepts become less applicable in the EU. This means that the POS could have some utility to this study of CSOs.

The POS has been used as an analytical framework and as an explanatory concept. However, it alone cannot explain collective action (Koopmans, 1999:100). Indeed, some scholars supplement analysis with mobilizing structures and/or framing processes. Each of these approaches is resource-consuming, and as a result McAdam, McCarthy and Zald (1996:7) point out that most analyses instead focus on one aspect.

The emphasis on mobilisation structures highlights the role of the social movements themselves and their internal organisation as a barrier/facilitator to collective action. Joachim (2003) includes international constituency, entrepreneurs and experts. However, this author contends that mobilisation structures are best thought of as resources at the movement's disposal, which can include people, experience and finances. Yet Tarrow (1994) defines mobilisation structures much more broadly, including the type of organisation. This author argues that wider factors, such as the type of organisation, are more appropriately subsumed under a heading of "actor specific", with mobilizing structures as a subtype. Kreisi et al. (1995), and Marks and McAdam (1996) both highlight such actor specific variables without labelling them as mobilizing structures. Indeed, an important realisation by POS theories is that opportunities have to be recognised by social movements and can also be created by them (Meyer, 2002:15; Marks and McAdam, 1996:120).

Framing processes describe how movements construct meaning and articulate issues to the media, public and politicians. This thesis does not explicitly explore framing processes as the focus is on groups and the political system interaction or inaction in policy-making. Framing processes is an approach which is not viable here because Chapters Five and Six demonstrate

that many groups do not have sustained interaction on a policy with policy-makers, nor is this research longitudinal or focused in one sector to explore “frame” change. Frame analysis does present an avenue for further civil society research.

Key elements of the Political Opportunity Structure

The dimensions of political opportunity vary depending on the question one is seeking to answer. (McAdam, 1996:29)

There is no wholehearted consensus on what the concept of POS should contain and what are its key explanatory tenets. However, the central element is access; how accessible are all the parts of the POS to groups? Tarrow’s (1994) definition is often taken as the POS definitional departure point. This stresses the openness/closure of the political system, the institutional structure, state repression, elite alignments, influential allies and elite divisions. As such, it includes both stable and dynamic aspects of the POS. Kreisi (1995) repackaged Tarrow’s definition to incorporate analysis of formal institutional structure of the political system, informal procedures and prevailing strategies and configuration of power. Applied to this current study, this allows an examination not only into the legal/formal set-up of the state in relation to EU policy-making/Convention, but also into the existing relations between groups and the state and the informal ways in which policy is made, informed by a discussion of power among the actors at different stages of the policy process. Thus, it lends itself more to conceptualising civil society’s role in policy-making than Tarrow’s definition, which seeks to explore social movements as challengers who wish to get their contested issues onto the political radar.

The study will also incorporate Koopmans’ (2004) insight that the POS is both institutional and discursive:

The political opportunity structure consists of an institutional side, which includes the structure of the political system and the composition of power in the party system and a discursive side, which includes established notions of who and what are considered sensible and legitimate. (Koopmans, 2004:451)

This premise will be used to inform discussion of the POS relating to existing relations between groups and the state, by adding the institutional discourses on what they perceive to be civil society and with which CSOs they have policy relations. Similarly, as the study encompasses more than one level of governance, attention will have to be paid as to what extent the different institutions are nested in each other; the more integrated they are, the less autonomy they have, which “reduces the strength of local actors and limits the range of policy alternatives” and affects openness (Meyer, 2003:24). In other words, to what extent do the different institutions at the different levels have power to make policy independent of each other?

Concern has been aired that POS is an over-malleable concept (Gamson and Meyer, 1996:275) and it focuses upon political opportunities that are not structural (Rootes, 1997). However, this study separates out the role of civil society groups, and by highlighting actor-specific factors suggests that civil society can act independently of the POS. Moreover, culture, an important part of political opportunity, is kept outside of the POS. Nevertheless, it will feature when applicable in the analysis, particularly in how the Welsh media served to frame the Convention. Furthermore, structure is very loosely defined from the vantage point of a civil society group:

If opportunities are configurations of options, chances, and risks originating outside the mobilising group, then, from the point of view of the movement, any such opportunities appear as structurally given that cannot be influenced – at least not in the foreseeable future – by collective action. (Koopmans, 1999:99)

However, in Chapter Six on the Convention there will be a blurring of structure and agency, as the institutional and political actors’ activities will need to be outlined as they affect the political context. Such actions will be subsumed in the POS, as they are outside of the group and partly provide the informal ways that policy is made, thereby affecting opportunities for groups. It is also recognised that groups could have made these opportunities and can affect the POS.

The Political Opportunity Structure framework: a summary

This thesis will utilise the below POS framework in the following chapters:

The Institutional Structure:

- Includes: legal, formalities of EU policy-making, some informal procedures of policy-making power/autonomy of institutions in the policy-making process. Some discussion of systemic factors.

Informal procedures and prevailing strategies:

- Includes: patterns of interest group mediation, institutional conceptions/discourse, informal procedures of policy-making.

Informal unstable components:

- Includes: political alignments, events, adhoc avenues.

Limitations and applications to the European Union level

It has been suggested that the idea of POS has more explanatory power in cross-national analysis where the macro/systemic variables of the POS are highlighted. Whereas in single case study there is more emphasis on unstable elements and the effect of actors needs to be noted, nonetheless, the POS acts as a useful organizing strategy for the study. Moreover, the concept of POS is normally applied to the national level, yet the presence of some research by Nentwich (1996) and Marks and McAdam (1996) demonstrate that it can be used with the EU.

Nentwich (1996) focuses on different opportunities for citizen participation, generally examining the structural properties of each channel in turn. Marks and McAdam (1996) in contrast see EU opportunities towards social movements/groups as shaped by the relative structural access groups have to EU institutions and policy receptivity of the European Commission to issues salient to the group. They also concede that groups have to realise these opportunities. Therefore Marks and McAdam (1996) look at the internal characteristics of groups and the extent to which they are wedded to the national context. Thus, this thesis aligns itself along similar lines to Marks and McAdam's analysis, by looking at the opportunities for CSOs' access to the EU institutions, recognising the policy specific dynamics and type of policy process

and finally conceding that the groups themselves may play a role in defining their opportunities.

CONCLUSION

Other frameworks for analysing policy-making and the role of civil society in the EU proved to be problematic for this study as it covers a range of sectors and focuses on one recent event. The study will however draw on some aspects in particular discursive institutionalism and MLG in conjunction with the POS .

... the [political] opportunity structure is a context-sensitive tool par excellence (Koopmans, 1999:102).

This means the POS is extremely useful in a detailed case study where the context is a key part of the analysis. It will act as framework and a explanatory tool to compare the difference between how the political context structures opportunities for CSOs in policy-making in terms of avenues (access points), what are the influential strategies and when should they interact with how CSOs actually do interact. Thus, we are able to demonstrate the extent to which their actions in policy-making are in part shaped/limited by structures and are appropriate. Moreover, as the POS will be used together with analysis of individual civil society groups and their mobilizing structures, it allows an examination into the importance of actor-specific factors in shaping policy-making involvement, helping to alleviate concerns that the POS is over-malleable and downplays the role of groups themselves. It is however, recognised that the POS could have less explanatory power in this instance because of the single case study design. This study has defined the POS so it can be appropriately applied to this investigation offsetting some of its weaknesses.

CIVIL SOCIETY AND DEMOCRACY: CIVIL SOCIETY ORGANISATION'S DEMOCRATIC CONTRIBUTIONS, INSTITUTIONAL DISCOURSES AND PRACTITIONERS' VIEWS

This chapter builds upon the literature explored in Chapter Two by further investigating the relationship between civil society and democracy in practice. As such it will help to identify whether the role of civil society in EU policy-making is democratic and what space institutional and practitioners views on civil society and democracy create for civil society in EU policy-making. In order to do achieve this the chapter will cover three areas:

- An assessment of the democratic contributions of individual CSOs
- Institutional discourses on civil society and democracy
- Practitioners' views on civil society and democracy

ASSESSMENT OF CIVIL SOCIETY ORGANISATIONS' DEMOCRATIC CONTRIBUTIONS

As demonstrated in Chapter Two, the democratic contributions of civil society depend upon the characteristics of each particular CSO. This section will assess individual democratic contributions of CSOs using the indicators outlined in Chapter Two. The assessment will enable discussion of the contribution that civil society groups can and do make by their involvement/non-involvement in EU policy-making to democracy. The assessment will also allow further analysis of the existence of corporatist or pluralist relations in respect of the type of CSOs involved.

Outlining the assessment

It must be stressed at the outset of the chapter that any democratic assessment is subject to limitations in that it will be subjective (Beetham, 2004). Moreover, rather than assess groups from one particular democratic paradigm, groups will

be assessed according to an amalgam of indicators that combine the key democratic characteristics/contributions accorded to civil society groups in political theory. A second note of caution must also be raised. This democratic assessment of CSOs is not definitive, as it is based on the information gleaned from one-off interviews and on secondary organisational data. This is valid for the purposes of this study, which seeks to look at the role and contributory factors of civil society in Wales in EU policy-making, of which input-side democratic characteristics are meant to provide only part of the picture. Only the groups from Wales will be assessed here. This leaves out the British and European CSOs interviewed, for these CSOs were interviewed primarily to look at their communication structures with Welsh subsidiary/child groups. WEC is also omitted because it is a corporate body serving the needs of both ASPBs and CSOs, and thus straddles the civil society/governmental realms.

To ensure confidentiality and clarity, the groups will be labelled according to their membership. This differs from the majority of the thesis where the Welsh CSOs are labelled by sector and the British and European CSOs by their geographical coverage. Labelling CSOs this way has merit because most of the indicators are dependent upon the type of CSO membership. Thus the groups are categorised into umbrella groups (groups whose members are groups or other organisations), charities, statutory bodies (public sponsored but independent bodies) and membership organisations (groups that are made of individual members). Where charities and umbrella have some form of individual members, the postfix (mem) follows their status. Three umbrella groups are also registered charities. However, as their members are groups who have control over the organisation and two classified themselves as membership organisations, these shall be classified as umbrella groups with the postfix (c). This categorisation accrues credibility via Blair's (2004: 81) use of a similar typology of CSOs (membership-based, constituency-based and trustee) in his assessment of civil society for democracy programmes in Indonesia and the Philippines.

Subjective ratings (extremely, very, fairly, slightly, poor) will be given for each indicator and group and finally tabulated to allow comparison of the engaged/non-engaged groups in EU policy-making.¹⁹ Where aspects are "not known", that aspect will not be assessed. Initial analysis demonstrated that

umbrella groups are mostly engaged in EU policy-making; in comparison only two membership groups are involved and two out of the three charities have minimum involvement (see Table 4.1 below).

Table 4.1: Summary of Civil Society Organisations according to European Union engagement and membership

Group type summary	EU policy-making engagement	Recipient of EU funding
6 Membership	2 engaged (1 limited)	(1 Monitoring Committee)
4 Umbrella	3 engaged (2 limited)	(2 Monitoring Committees)
3 Umbrella (2 mem, 3 c)	3 engaged (1 limited)	1 recipient (1 Monitoring Committees)
3 Charities (2 mem)	2 engaged (2 very limited)	2 recipients
1 Statutory		(Monitoring Committee)

Current trends/context

If associations are “political culture’s mirror” (Roßteutscher, 2002:515), it is worthwhile to briefly take stock off the current climate regarding the democratic characteristics of CSOs, as generated by civil society itself. As will be illustrated later in this chapter, political institutions are steadily adding criteria to CSOs before they engage with them, by stipulating that CSOs need to be representative and possess a basic structure. The Assembly’s Voluntary Sector Partnership Council (VSPC) has not been immune to this trend and has debated the voluntary sector’s democratic credentials during the Convention period. For example, in March 2002 a report was published on how networks communicated with their constituents and their methods of nominating network representatives, which was intended to promote best practice (VSPC, 2002a). Similarly, a voluntary code of conduct for UK voluntary organisations working in Wales was drawn up in 2002 (see VSPC, 2002b) which together with a section in the WCVA’s (2002a:14-17) “Devolution in practice –an Update” document, encouraged and showed UK organisations how to devolve both their activities and structures. Also, in 2004 the WCVA together with National Council of Voluntary Organisations started a consultation with the voluntary sector with a view to compiling a code of

governance for voluntary organisations (WCVA, 2004). All this suggests that CSOs are under greater pressure to appear and be “democratic”.

How the civil society groups fare under the democratic indicators will be examined through each indicator in turn: internal democracy; voluntarism; member status and member/stakeholder participation; deliberation; resources and dependence; its functions and goals.

Internal democracy

As mentioned above, the internal democracy of a group is significant for many policy-makers. Internal democracy is also important because it shapes CSOs’ accountability and thereby legitimises CSOs’ involvement in policy-making and their actions aimed at holding policy-makers to account:

If legitimacy is essentially about what gives third sector organisations the “right” to influence policy, accountability is how they demonstrate this legitimacy. (Taylor and Warburton, 2003:324)

Internal democracy has two key tenets: decision-making and organisational structures. These have some overlap with the member/stakeholder participation and internal deliberation indicators. To assess this indicator this section will explore the transparency of CSOs’ structures and their decision-making mechanisms and the ability of groups to set their own direction with respect to parent groups.

All of the CSOs do have structures and decision-making procedures, testifying to a degree of transparency and therefore accountability. Each group had a board/council/executive committee, which gave overall direction to their organisation. This means that on a basic procedural level all the groups could be seen to be democratic.

The ability of many groups to set their own agenda was often diluted by more powerful decision-making bodies higher up in their organisation, at the Welsh, British, European or even the International level. Three umbrellas (one mem, c), two charities (one mem) and the statutory body had tiers of decision-making bodies at the national, European and even international level, which were more significant in setting their overall direction than the Welsh part. For example, one umbrella (mem, c) group saw its policy objectives “as mainly

dictated or suggested by European [group's name]" (interview, umbrella group mem, c, 2004) and the statutory body perceived that "the objectives that we've got, Wales hasn't really had an input on them" (interview, statutory body, 2004). Nonetheless, largely all these dependent groups had links through representatives who could influence the agenda of their parent organisations.

Interestingly, among the same cohort of CSOs, two umbrella (one mem) and one charity (mem), were keen to stress their relative independence in decision-making, as devolution kicked into their organisation decision-making structures. Indicative of this, one membership group was set up following devolution to add a Welsh dimension to the CSO, and the statutory body was attempting to gain devolved decision-making powers from its Welsh tier. Three membership groups similarly stressed their independence from parent groups, stipulating that they set their own agenda:

With [parent group's name] local group, the local group is independent of the actual organisation, we can do what we want to do, within certain bounds like as long as it is not unethical or brings the name of [parent group] into disrepute, but we are asked to participate in [parent group's name] campaigns and it's up to us to decide. (Interview, membership group, 2003)

Members of local CSOs were reticent to participate in decision-making in their higher organisational tiers.

All the groups apart from two unknown had Annual General Meetings (AGMs) or some kind of annual meeting. These generally catered for the turnover of board representatives and sometimes acted as an opportunity to set policy direction. The different types of groups however had distinctly different decision-making procedures.

The charities had a board of trustees to oversee their running and to varying degrees provided mechanisms for members/volunteers to participate in decision-making. The limits to any such member/volunteer participation were conceded by one charity as the charity is "led by our trustees, so our supporters are encouraged to join with us rather than direct us" (interview, charity, 2003).

Umbrella groups had a different kind of board selection process, with people frequently having to be nominated from the member groups or sections of member groups, and then elected by member quotas. All the boards (apart from

two unknowns) were elected yearly, and all but one were elected through an annual meeting/conference. This nomination process seems anti-democratic, yet as one umbrella suggested it may actually *increase* legitimacy:

And it's then up to individual [groups] to come to our conference and make decisions or put up people for election onto our committees and stuff ... that's how it's all democratically accountable, then so we don't have like individuals that are not representative of their members, coming up and making decisions on behalf of their [groups] which they can't do. (Interview, umbrella group, 2004)

All of the membership groups had yearly committee elections at AGMs. One protest membership group stated that negative media coverage of any disagreements at AGMs stopped AGMs being their key decision-making/policy-making forum. Instead the committee was forced to meet in secret, with “meaningful discussions and disagreements happen[ing] behind closed doors where the press and the media don't know what's going on” (interview, membership group, 2004). Thus, what seems to be an undemocratic method of making decisions is entailed by the nature of the organisation and arguably is countered by its democratic contribution of dissension and the creation of counter-knowledge. Membership groups were also the keenest to articulate their democratic credentials, with four out of six pointing out that they created decisions in a democratic manner:

Well, [group name] is a democratic organisation and I've never worked with an organisation that is so, that really does stick by that so much. (Interview, membership group, 2003)

The final internal democracy aspect examines how decisions are made on a daily basis. It must be borne in mind that this question was asked of individuals who were most able to discuss their organisation's role in EU policy-making. Thus, their answer reflected how they went about their ordinary work and was affected by the kind of work they carried out. Nonetheless, some patterns emerged among organisations who engaged heavily in the political process. These CSOs dealt with broad decisions and strategy differently from their day to day and ad hoc issues. In particular, the staffed organisations, (predominantly the umbrella organisations) were largely able to take decisions

independent of their board. However, many umbrella bodies were keen to stress that the overall confines of policy were determined by their boards. Moreover, some umbrella organisations ran some government consultations and possible responses by their members. This situation illustrates the inevitable trade-off between democratic decision-making (in other words the full involvement of members) and efficiency. Taylor and Warburton (2003:333) similarly found this tension in their investigation into UK Third Sector organisations' involvement in the policy process and legitimacy. This trade-off arguably could be offset by another democratic function; that of providing effective policy input:

And frequently because of the speed that is required in producing documents, the [groups] have to put a great deal of trust and integrity in the people that they give because inevitably you can't go through all the [groups] if you want to get to a decision, that would be too lengthy, (Interview, umbrella, c, group, 2003)

In summary, the groups on a basic level are internally democratic, as they all have structures and mechanisms in place for taking decisions, which is the case generally in Wales according to the Civil Society Diamond Index (Nicholl, 2002). The type of organisation in relation to membership gives rise to the kind of internal structures and decision-making mechanisms that CSOs have in place. Membership organisations fare better in this regard than umbrella groups, and umbrella groups better than charities. Also significant in separating out their democratic characteristics is the extent to which they can make independent decisions, hinged on the degree of devolution within the organisation together with the opportunity for members to be involved in decision-making, both on a grand and an informal basis (which is linked to the organisation's structure on the hierarchical/decentralised scale). This is because membership participation means decisions will be more accountable and representative of their membership and this indicator will be discussed subsequently.

Voluntarism

Freedom to associate is a fundamental liberal democratic principle (Pietzyek, 2003: Fung, 2003). Voluntarism is also an important ingredient for social capital theorists who have valorised the contribution of voluntary organisations to

healthy democracies (Putnam, 1993). Thus, this section looks at voluntarism in terms of how easy it is for individuals to leave/enter an organisation and also at whether or not the group has volunteers and or/staff. This is informed by Warren (2001) who points out that ease of exit “is in turn determined by the extent to which an association controls the resources individuals need for security, livelihood, or identity” (Warren, 2001:96).

The membership organisations encompassed a variety of membership sizes, ranging from fifteen thousand to ten members. Four of the membership groups had low financial entry barriers of small subscriptions, with no data being available for the other two. The largest membership group had high entry and exit barriers because it was a private vested interest organisation defending members’ livelihoods. Two membership groups also had minor identity resources for its individuals, in other words their focus partly shaped their members’ identity, thereby creating minor barriers for members to leave this organisation. Three membership organisations were entirely run by volunteers, two had one staff member each and one had a larger body of staff. Barriers to taking on volunteers by staffed organisations were voiced by one membership and also one umbrella group:

... people come to me and say I want to volunteer, so it’s not possible to take everybody, just what’s available, space, and you know building up volunteers, teams of volunteers. (Interview, membership group, 2003)

Entry to some umbrella organisations is harder in comparison to membership organisations simply because in order to qualify for membership a member has to be a group. Added to this, out of the seven umbrella organisations only three (one mem, c) did not have any staff members, being entirely voluntary. Even in the volunteer-run umbrella groups, bar one, all of their members represented other groups. These member representatives were often salaried staff who in turn were *de facto* paid to represent their employer on the umbrella organisation. Most of the other umbrella groups had a few staff (the most was four); one umbrella group had a large cohort of staff (hundreds). Umbrella group subscriptions were considerably higher than membership groups, ranging from £5 to £400, creating some high entry costs. Three of these umbrella groups also had high exit barriers, being concerned with promoting

their members livelihoods (for example, protecting workers' rights). Volunteers were less present here although many volunteers were used to stand on committees etc. Introducing paid staff and thereby reducing voluntarism does increase the efficiency of an organisation; as one umbrella group pointed to their lack of staff as causing their demise. However, having staff has the effect of adding a little bit of economic rationality to the organisation, which a volunteer-run organisation does not possess to the same degree:

Now when you get salaried staff in place, they got two agenda[s]; they got working for the organisation's clientele but also in keeping their own job going. (Interview, umbrella group, mem, 2004)

The statutory body had paid staff, with some volunteer experts. The charity groups all had sizeable staff numbers – from eleven to forty-five – but they also had plenty of volunteers and multiple volunteering roles available. These groups generally had very little exit or entry costs for their volunteers.

In summary, voluntarism within an organisation depended on the type of organisation at hand and seemed to also be related to numbers of salaried staff employed. The charities bucked the trend by having a large number of salaried staff but at the same time having a considerable volunteering component. Some of the umbrella groups had greater exit/entry barriers reducing volunteerism. However, some of the umbrella groups were actually run by volunteers, as were half of the membership groups, and another two membership groups were almost entirely run by volunteers. Membership groups also had some exit/entry barriers, which largely were not as high as the umbrella groups' barriers.

Member status and member/stakeholder participation

Members' status in a given CSO is important in establishing its democratic functions, because participation needs to come from different segments of society for the equality function in democracy to be realised. Moreover, the type of members involved influence the creation of bridging and bonding social capital, whether like bonds with like, or like builds bridges with the dissimilar. Survey data reveal that education and wealth, as a reflection of British culture, shape people's involvement in civil society groups:

Those people with higher household incomes and with a university education dominate much political action and also much organised associational life. (Pattie, Seyd and Whiteley, 2003:632)

Having only middle or upper class members does not make a group any less democratic but does affect its democratic potential and group status will also inform subsequent discussions on the groups' function.

Information on the groups' member status or backgrounds is patchy, because due to time constraints this was not discussed with every group. The people interviewed were from a range of backgrounds however; most were well educated and belonged to the middle/professional classes. It was in the membership groups that membership appeared to be the most diverse as at least three membership groups had members which included young people and/or those from a range of educational backgrounds. Three groups (two membership and one umbrella) conceded that their core membership consisted more of the middle class, one even commenting that "let's be fair, middle class people are the type that get involved in these kinds of things" (interview, membership group, 2004). Despite this, the same three groups were at odds to stress that people from all walks of life were involved.

Member and stakeholder participation is an extension of member status. The member and stakeholder participation indicator shifts the focus from which members are participating in the organisation, to what extent (if at all). Does this enable a CSO to be representative of its constituency? Participation is also important for creating social trust, reciprocity, tolerance and solidarity (Esthain, 2000), and in communitarian accounts for creating moral values and sustaining communities (Etzioni, 2000). The degree to which participation is face-to-face and its scope is important for creating such values.

Member/stakeholder participation fell along the same lines as the opportunities to get involved in decision-making and the extent to which the group was decentralised or hierarchical. Members in membership organisations could get involved in a range of activities and had the most opportunities and resultant participation. The three larger membership groups, which were Wales-wide, had structures and mechanisms in place to collect their members' views at the local levels, and to get them involved at the higher levels if they so wished, even on policy type issues. Concerns about involving stakeholders' (i.e. those

who the organisations purported to represent) were not raised as these groups represented their members and not a wider constituency. Four CSOs commented upon the centrality in their CSO of specific individuals or smaller groups really making a difference to their group.

The charities' members did not get involved to the same extent as those in membership organisations but there were forums, assemblies and AGMs in which volunteers and stakeholders could partake. It was clear that the charities were much more concerned to reach out of their organisation, to engage the people (stakeholders) that they were meant to be providing services for:²⁰

... and sometimes I think people, because I'm not [part of the constituency] myself, think you don't understand ... I try to tap into the grassroots and say look these are the people I am talking about, I spoke to someone yesterday, I went along to this meeting and this is how I know what I am talking about. (Interview, charity, mem, group, 2004)

However, two charities, one umbrella (mem, c) and membership group pointed out the already active members tended to be more involved:

As with all of these things you see certain people all the time and then certain people you don't. (Interview, umbrella, mem, c, group, 2004)

The umbrella groups were Wales-wide groups and therefore were more disconnected from the individual members at the bottom of the membership chain. The umbrella Wales-wide groups relied on their member groups to consult with their members in turn, as required. Yet there were some intermediate structures connecting members with umbrella groups. These included: forums, committees and road shows. It was the Wales-wide umbrella groups who brought up concerns or statements about whether they were representative. For example, two umbrella (both mem, c) groups merely stated that they were representative and also another umbrella group who involved stakeholders were concerned there was too much representation:

In a way really, we talk about how these decisions get into Europe; how often do voices, or the true representations of people who actually [are the constituency] get up there into [European group] Brussels and then into the Commission, I don't know, but there's an awful lot of filtering going on. (Interview, umbrella, mem, group, 2004)

This hierarchical dimension of an organisation may be necessary, as Keilbart (2001) identifies hierarchy enabling a CSO to act effectively. Moreover, the creation of hierarchy and bureaucratisation of an organisation may be merely reflective of groups who seek and are able to affect the economic and state systems (Cohen and Arato, 1994:561).

Thus, there is not enough information to be definitive about group membership (therefore this is not included in the overall assessment), but the information does point to membership groups as having the most diverse membership. Whilst that might similarly be true for the groups involved in an umbrella group, it is not true of their group representatives at the umbrella level.

In terms of member participation, membership groups gave members the most opportunities to participate, whilst recognising that key individuals sometimes make the most of those opportunities. The charities' membership base had a subsidiary role in their running, and charities seemed to be the most concerned with grasping the voices of their stakeholders. Finally, umbrella groups had the least opportunities for member participation as a whole but tried to overcome this by having reach-out mechanisms in place to make them representative. Perhaps this is indicative of the armchair participation that Malonely and Jordan (1997:118) describe where individuals and groups contract out the participation function to salaried staff and/or activists and do not directly participate.

Deliberation

Deliberation – the act of exchanging ideas and viewpoints among equal individuals and coming to a consensus – is another important aspect of democracy and civil society's contribution. Civil society deliberation can give individuals skills, create a space for a public sphere and shape government agenda through reasoned discussion. It is most prominent, not surprisingly, in deliberative and participatory accounts of democracy (Cooke, 2002; D'Entreves, 2002; Habermas, 1998; Dryzek, 2000). It is also mentioned in other versions, in its fostering of individual skills and values such as civility and reciprocity (Barber, 1998), although criticised by communitarians for not discriminating between the kind of organisations doing the deliberating (Etzioni, 2000).

Internal deliberation arguably needs face-to-face interaction²¹ and it would therefore be expected that the membership organisations encourage this the most widely among their members, given their high member/stakeholder participation. Internal deliberation is closely linked to the ability of people to get involved, and how groups make decisions and participation. As this has already been covered in internal democracy and member/stakeholder participation there is no need to go over it again. Suffice to say that a couple of the membership groups reported educative effects of their groups; one by encouraging examination of local issues from a global view (Keilbart, 2001 also found this when researching local groups of International NGOs) and another group by organising academic talks on its topic.

Therefore, this section will focus upon external deliberation. External deliberation is significant because it looks at what deliberation is occurring outside of the actual CSO with other groups and individuals in the public sphere. External deliberation needs to be examined with a view to who is participating, for example, speaking to people who do not agree with you as well as those who do agree with you may foster reflection, tolerance and critical debating faculties. Focusing on deliberation in this way leaves out the deliberative process of consensus-creation but it does provide a key insight into discussion with others outside of the organisation, which is a central tenet of deliberation.

All the groups did liaise with outside bodies and individuals. Indeed the notion of partnership with other groups seemed strongly embedded in CSOs, particularly among the larger groups:

In Wales we have pretty good partnerships and umbrella organisations, so that there really are opportunities for organisations to form their own partnerships. (Interview, membership group, 2003)

Groups also did reach out and engaged in discussions with groups and people who did not agree with them at public events and meetings. The frequency of these appears related to the size and resources of the group although this needs further research.

Resources and independence

Resources and independence are integral to the democratic contributions of a CSO. Civil society groups need some kind of resources to survive, but the question of the source of these resources is essential. Too much dependence on the economic or governmental realm will mean penetration into civil society of the logics of money and power, possibly resulting in monetarisation or bureaucratisation. This can result in “creating a new range of dependencies and destroying both existing solidarities and the actors’ capacities for self-help and for communicatively resolving problems” (Cohen and Arato, 1994:450). Additionally, if civil society is to be a counter-balance to government by adding independent ideas to policy-making and holding government to account, then CSOs and their resources need to be both independent from the state and the economy. Yet authors recognise that there will be some diffusion of these into civil society as state and the economy in part constitute and permeate civil society’s “fuzzy” boundaries (Chandoke, 2001). Indeed the danger is, particularly in this study which concentrates on the policy-making function, that any organisation that spends time trying to influence either sphere will end up echoing their structures in order to be successful (Cohen and Arato, 1994). Perhaps this is an inevitable and necessary price to pay.

Membership organisations were the second least dependent upon funding from companies and government agencies. Three received funding from government agencies and one of these also took donations from ethical companies. All the governmental contributions were for specific projects groups ran and for two of these groups was outside of their core work. Most of the membership organisations’ funding came from members’ subscriptions, donations and fundraising, and if they were part of a larger UK/International group, then funding would also be received from them. Thus, it would lead to the expectation that, these membership groups were all fairly autonomous from government and the economy, and hints at strong financial accountability to their members. However, being financially independent did have drawbacks, chiefly in limiting activities and for some “money is a constant worry and a problem for us” (interview, membership group, 2004). One group even mentioned they had considered applying for charitable status but decided against it because they feared charity status would curb the group’s political activities.

The charities having no paying members relied on grants, donations and money coming from their Wales/UK/International parents. Two of these charities received grants from public/governmental bodies, including EU monies. One conceded this state of affairs resulted in their sponsor partly shaping their activities, but accepted that it was a trade-off with being effective and able to do things:

Whereas ten or twelve years ago we didn't have that base to represent the [sector] and work with, now we've got a tremendous base, a tremendous opportunity, and the chance to go on and lobby more effectively. (Interview, charity, mem, 2003)

The other charity in receipt of public body money commented upon the need for expertise to gain EU funding and that smaller charities may struggle with this, limiting the ability for new players and thus new needs and changes in society to emerge and be successful. The charity not in receipt of public/governmental money did point out that they were an exception in not receiving Assembly funding and that most voluntary organisations in Wales are in receipt of such funds.

Charities' independence is further constrained by charity law, which governs their involvement in political activities. Charities can wholly focus their activities on campaigning or advocacy, defined as: public awareness raising, education, influencing public attitudes and some political activities. However, political activities "i.e. seeking to advocate or oppose a change in the law or public policy" (The Charity Commission, 2004:4) must a) be in line with furthering the purposes of the charity, and b) not become the dominant component of the charities' work. Further guidelines are also given to the charities with implicit sanctions on certain kinds of behaviour:

Events such as demonstrations and rallies can also present real problems of control for a charity ... These complexities mean that there is increased potential for the commission of an offence by the charity, its officers, or those taking part compared with other campaigning activities. (The Charity Commission, 2004:7)

The umbrella (c) bodies were largely independent, notwithstanding being subject to the same legal boundaries mentioned above. Two umbrella (one mem,

two c) had currently or previously obtained funds from their larger UK/International parent groups. In these instances, their only other income was through membership monies. The other umbrella (mem, c) group did receive money from public/governmental agencies, notably the Assembly, but also from the EU; however this CSO was largely a channel for those funds as it distributed funds to other CSOs.

The other umbrella organisations (who were not charities) were the most independent from governmental resources, receiving funding from members, their larger branch of the organisation, fundraising and also from business investments. Additionally, one umbrella group reliant upon membership and larger group monies found that their lack of resources crippled the organisation, killing it off at the end of 2003. This same group made a similar decision to the aforementioned membership group, to not “go for charity status in case it inhibited what we could say politically” (interview, umbrella group, 2004). On the other hand, one umbrella group actually represented economic agents, thus was dependent on the economic realm. This same CSO and another umbrella group were also involved in monitoring committees of EU structural funds.

Resources are of vital importance to the work that CSOs can do, and the type of work that they actually do. As demonstrated, umbrella organisations are perhaps the least dependent on outside means of funding. Instead the majority of umbrella organisations are dependent upon member subscriptions, other internal ways of gaining revenue or their higher organisational branch. An exception to this rule is an umbrella (mem, c) group, who was a self-termed “conduit” for distributing government/public money to projects. Combined with its charity status, such distribution would curtail its independence. Charities were the least independent of the groups, as having no membership monies they were instead reliant upon grants, donations, fundraising and their parent organisations. Many of these grants were of a public/governmental nature, however this dependence must be offset by their ability to be active because of grants. Successful charities – hinted at by one charity – were those that were apt at filling in forms to gain grants. Thus within the charity field, one could not expect too much dynamism or change in who are the successful and large groups. Finally, membership organisations were fairly independent. Only one’s core work was affected by public/governmental grants; the rest of the groups relied on membership,

services, donations and fundraising. However, this independence came at a price, with low finances often curtailing their potential activities. The statutory body was entirely government funded, making it very dependent on the hand that feeds it. Indeed, the statutory group representative commented that when choosing courses of action, potential government reaction to that action was considered.

Functions and goals

The functions and goals of a given CSO are not readily transferred into a statement of their democratic contributions (therefore these are not included in the overall assessment because these cannot be evaluated). Indeed, particularly individual democratic effects concerning individual development and skills creation are unintended consequences of a group's agenda. This setting shall accompany the discussion on CSOs' democratic contributions.

There is no consensus on how best to classify groups according to their functions. Perhaps the only consensus is that there is diversity. However, to aid clarity and comparison the groups have been accorded one of five functions, drawing on a framework utilised by the World Bank (2000) in its civil society consultation guidelines. There have been two alterations. Firstly, the World Bank has a technical expertise category for CSOs that give information and advice, and lobby on particular points (which includes think-tanks and advocacy organisations). As this study looks at organisations that might challenge technical rationality, the term advocacy will instead be used to describe groups who lobby the political system, but who may or may not give advice. Secondly, under the World Bank definition community groups were placed under "service-delivery", but community groups may have different democratic effects to some service-deliverers, specifically in bringing the community together, and may or may not carry out service-delivery functions, as in the case of town twinning societies. Therefore, this section will also use the label "community groups" as well as service-delivery. What these labels mean in terms of functions as well as democratic effects is described below. Individual effects are however much harder to discern through functions as they depend on how the organisation operates, but they have been included in social and community organisations as their local proximity assume some individual participation.

- Advocacy (organisations that may provide information and advice, lobby on particular issues)
Democratic contributions:
 - a) Governance – lobbying government/holding it to account, influencing policy/law, and resistance.
 - b) Public sphere – counter-knowledge and raising awareness.
- Capacity building (organisations that provide support to other CSOs' including funding)
Democratic contributions:
 - a) Public sphere – creating and fostering civic culture, deliberation.
- Representation (organisations that aggregate citizens voices)
Democratic contributions:
 - a) Governance – lobbying government/holding government to account for sector, influencing policy/law, resistance.
- Service-delivery (organisations that implement projects or provide services)
Democratic contributions:
 - a) Governance – implement policies, effective welfare provision direct governance for members or wider public.
- Social (groups for social purposes)
Democratic contributions:
 - a) Governance/public sphere – pleasure of voluntary association.
 - b) Individual – social capital.
- Community (group for community purposes)
Democratic contributions:
 - a) Governance/public sphere – socially integrative, bind community together.
 - b) Individual – social capital.

The CSOs are listed by their functions in Table 4.2 below.

Table 4.2 Summary of the Civil Society Organisations' functions by membership type

CSO membership type	Main functions
6 Membership	4 Advocacy, 1 representation, 1 community
4 Umbrella	4 Representation
3 Umbrella (2 mem, 3 c)	2 Representation, 1 advocacy
3 Charities (2 mem)	2 Service-delivery, 1 advocacy
1 Statutory	1 Service-delivery

In summation, groups cater for a range of democratic functions, particularly advocacy and representation functions which have public sphere and institutional effects. The charities mostly carry out services and umbrella groups' representation. Democratic and civil society approaches such as deliberative, pluralist, new left and to a lesser extent liberal egalitarian approaches (as five groups represent minorities/underprivileged citizens) and associative democracy in direct governance would be happy with these results. It is now important to look at those indicators according to engagement in EU policy-making overall to get a picture of who is involved in EU policy-making, and how this aids democracy. Chapter Six will explore CSOs' democratic effects in relation to the Convention.

Overall assessment

By collating the results regarding groups' contributions to the indicators, it can be seen that the groups engaged are on the whole very democratic, and the extent to which they contribute to democracy is largely similar to those who are engaged and not engaged in EU policy-making (see Table 4.3). This is good news for the EU's democratic credentials and participatory democratic vision as regards to involve civil society in policy-making. However, as the discussion concerning each indicator demonstrated, the type of group is also important for fulfilling that democratic criterion; thus attention must be paid to the character of the groups involved/not involved and whether all the democratic indicators fare equally.

Table 4.3: Civil Society Organisations' European Union engagement and democratic contribution

Level of CSOs' EU engagement	Democratic Contribution
4 Engaged	2 Very 1 Very/Fairly 1 Fairly/Very
4 Limited engagement	1 Very/Extremely 1 Very 1 Very/Fairly 1 Fairly/Very
2 Very limited engagement	2 Fairly/Very
1 On monitoring committees	1 Fairly/Slightly
6 No engagement	1 Extremely/Very 1 Very/Extremely 1 Very 3 Very/Fairly 1 Fairly/Slightly

From Table 4.4 (overleaf) it can be seen that the umbrella groups are predominant in EU policy-making, although the charities are engaged in a very limited manner as well. Most of the membership groups, on the other hand, are not engaged. Amongst the umbrella groups, the biggest democratic problems were in terms of voluntarism and membership participation, and they were strongest in terms of resources and independence. These groups were also most heavily engaged in representation functions. In this study, the groups who are involved with EU in policy-making consist largely of the more hierarchical umbrella groups, which by their very nature have less participation from members; this limits their ability to foster democratic skills and values such as trust and reciprocity. The engagement of civil society elites in EU policy-making thus questions their ability to reconnect citizens with the EU and the democratic deficit. Further, the umbrella bodies were all Wales-wide, bar the one that did not contribute to EU policy-making; thus they are one step removed from local roots. It does appear that in the trade-off between participation and effectiveness, effectiveness is what the umbrella groups engaged in the sample rather aspire more to. Equally, this finding may give credence to Cohen and Arato's (1994) argument that organisations seeking to influence a particular realm ultimately echo their structures when they become bureaucratised.

Table 4.4: Groups EU engagement by Group membership type

Groups EU engaged	Type
4 Engaged	1 Umbrella, 2 umbrellas (mem, c), 1 membership
4 Limited engagement	2 Umbrellas, 1 umbrella (c), 1 membership
2 Very limited engagement	2 Charities (1 mem)
1 Monitoring committee	1 Statutory
6 No engagement	1 Umbrella, 4 membership, 1 charity,

However, this argument should not be overstated. Umbrella groups' members can filter information and participation further down their organisational chains. Secondly, the umbrella groups also had a strong aspect of external deliberation with hostile voices. Moreover, their independence and considerable resources means that they can act as effective scrutinisers of government and are able to bring alternative information. The engaged umbrella groups also provided for interest representation in governance and thus would aid more traditional accounts of representative democracy and also the more participatory accounts as well.

The charities were notably lacking in terms of being independent in terms of their resources and from higher organisations. The charities, to a lesser extent, were also weak with respect to voluntarism and membership participation. This limited their ability to hold government to account and to perform educative functions. They were stronger in deliberation and having internal decision-making structures in place, and thus accountability was evident. Out of the two charities involved to a very small extent, one carried out services and the other was an advocacy organisation. The one not involved had similar characteristics to the other two charities and was a service-delivery group.

The membership groups perhaps fared the best across the democratic indicators, being innately more voluntaristic and participatory with regards to their members. There were some concerns with resources, as they received some funding from government. As most of their functions were advocacy related, this meant that they performed a lot of governance contributions, yet their involvement and proximity to their members meant they also aided political and civic socialisation. Perhaps membership groups "may be too dispersed and

trivial to set agendas and effectively energize democratic politics” (Post and Rosenblum 2002: 18). (Reasons for non-engagement will be discussed in Chapters Five and Six.)

The deviant CSOs are the umbrella group who is not engaged and the two membership groups actually engaged in EU policy-making. Were these different in their democratic contributions? The engaged membership group was the largest of the membership groups and it also followed the trend of the other umbrella groups in that its prime function was representation. However, being a private interest group, it also had high exit barriers for its members. Nonetheless, it did have many mechanisms in place to inform and engage members. The other membership group that was less involved was did very well on this democratic assessment, being voluntarily run by its membership. The umbrella group that was not engaged was the smallest umbrella group but its democratic credentials were no different to the other umbrella groups.

Some groups were also recipients of EU funding and a larger proportion were involved in administration and monitoring Structural Funding programmes. Under current EU Structural Funding 2000-2006, parts of Wales currently have Objective 1, 2 and transitional Objective 2 and 5 status and all regions are eligible for Objective 3 funding such as the European Social Funds. Whilst being a recipient is not explicitly part of the policy-making function that the study seeks to explore, it is worthwhile to give due attention to groups along this measure and their democratic contributions (this information can be viewed in detail in Table 4.5). The CSOs who are EU recipients form a minority of the CSOs under study. Their democratic ratings are on the lower end of the scale.

In terms of whether the CSOs involved in EU policy-making evokes corporatist and pluralist relations, the picture is largely mixed. Corporatist elements are evident in that among the CSOs studied, umbrella groups comprise the largest group of participants and are peak organisations that have less membership/stakeholder participation. The very limited involvement of charities that are circumscribed by law and are dependent on resources from government, also evoke shades of corporatism. On the other hand, pluralism is also present, with umbrellas groups generally having strong independence from government financially, and all groups having basic internal democracy and some member participation.

Table 4.5. Civil Society Organisations and European Union funding and European Union engagement

EU Funding	EU engagement	Type of organisation	Democratic contribution
Recipient	1 engaged 1 very limited engagement 1 non-engaged	1 umbrella (mem, c) 2 charities (mem)	2 Very/Fairly 1 Fairly/Very
Non-recipient	2 engaged 4 limited engagement 1 monitoring committees, 5 non-engaged	6 membership 5 umbrella (1 mem, 2 c) 1 statutory	1 Extremely/Very 2 Very/Extremely 4 Very 3 Very/Fairly 2 Fairly/Very 1 Fairly/Slightly
Not Known	1 engaged 1 very limited engagement	1 charity 1 umbrella	1 Very 1 Fairly/Very

Internal characteristics however, provide only part of the democratic equation of civil society's role in democracy. Chapters Five and Six will look at civil society's external role in the policy-making process and its effect on democracy. The rest of this chapter will look further in depth into discourses on civil society and democracy to explore what conceptions institutions and practitioners have in mind, to investigate the discursive and normative space accorded to civil society in a democracy and policy-making.

CIVIL SOCIETY AND DEMOCRACY: INSTITUTIONAL DISCOURSES

INSTITUTIONAL DISCOURSES

As stated before, civil society's role is not only structured by procedures but also by the use of words as signifiers for inclusion and exclusion, shaping discursive opportunity structures. Thus, what the different institutional levels understand as democracy and civil society in practice and in theory must be attended to as this will shape civil society's role in policy-making. This section builds upon analysis of primary sources, texts as well as academic studies (see Annex One) to summarise the various institutional understandings of civil society and democracy. Tables 4.6 and 4.7 overleaf summarise the various institutional discourses.

Discussion of inter-relationships and resultant space for civil society

By and large, the civil society perspectives concentrate on less radical conceptions of civil society that lend themselves more to traditional representative democracy, which is also the central thrust of the institutional democratic discourses. As a result, civil society is not envisaged with changing the status quo radically, rather aiding the existing system. Thus there appears to be more space for civil society under a representative democracy but within service delivery and particularly in the British, Welsh contexts' local and community participation. Civil society's relation in respect to policy-making is very much a consultee who brings bargaining chips to the table.

It is also interesting to note that the institutions largely frame their "democracy" in terms of participatory versus representative democracy, rather than the more theoretical labels discussed in Chapter Two. The British institutions also would appear to leave the least space for civil society within policy-making, as their view of civil society and democracy concentrates upon freedom and participation at the local level and seems to fit more into the picture of associative democracy (perhaps unsurprisingly given the crossovers between the third way and this perspective; for example Hirst, 1994; 2002). Also the democratic criteria placed on CSOs before being given a place at the policy table warrants an examination into CSOs' democratic characteristics and again emphasises the primacy of representative democracy, with clear lines of accountability.

The tables also demonstrate that the EU in particular has a different "civil society" discourse from the British and Welsh institutions, although the British and Welsh institutions similarly have a different discourse from each other. Thus, we can expect that different aspects of civil society may have different levels of success and access to the different institutions in EU policy-making.

Table 4.6: Summary of institutional discourses of civil society

Conception Institution	Functional	Normative	Criteria
EU (ECOSOC and European Commission)	<ul style="list-style-type: none"> ➤ Labour-market players, Social/economic representatives ➤ Community Based Organisations ➤ NGOs ➤ Religious associations 	<ul style="list-style-type: none"> ➤ Aid democracy ➤ Be representative ➤ Tolerant ➤ Further well-being and the general interest <i>Liberal egalitarian</i>	<ul style="list-style-type: none"> ➤ European Experts ➤ Past experience ➤ Representativeness ➤ Computer literacy/access ➤ Constructiveness ➤ Ability to input early on
UK government and bureaucracy	<ul style="list-style-type: none"> ➤ Community ➤ Community associations ➤ Voluntary groups 	<ul style="list-style-type: none"> ➤ Partnerships ➤ Independent and further the good of the community <i>Communitarian/ libertarianism and some liberal egalitarianism</i>	<ul style="list-style-type: none"> ➤ Large and established bodies ➤ Established relations ➤ Knowledge
Assembly	<ul style="list-style-type: none"> ➤ Public, private and voluntary ➤ Community ➤ Emphasis on voluntary groups 	<ul style="list-style-type: none"> ➤ Partnerships ➤ Community good ➤ Aid equal opportunities ➤ Inclusivity <i>Communitarian/ some liberal egalitarianism</i>	<ul style="list-style-type: none"> ➤ Contacts ➤ Large groups ➤ Networks

(EU sources: Curtin, 2003; European Commission, 2001a, 2002a; 2002b; 2002c; 2002d; ECOSOC 1999, 2000; Geohring, 2002; Karlsson, 2001; Nentwich, 2000; Patten, 2000; Prodi and Kinnock, 2000; Rumford, 2003; Warleigh, 2001. UK government and bureaucracy sources: Beetham et al., 2002b; Blair, 1998; Driver and Martell, 2002; Goes, 2002; Grant, 2000; Hall Williamson and Coffey, 2000; Reilly, 2004; Shaw and Stowe, 1998; The Compact, 1998, 2000a, 2000b, UK Government, 2002. Assembly: Betts, Borland and Chaney, 2001; Labour Party 1999; NAW, 2000; WAG, 2002a)

Table 4.7. Summary of institutional discourses of democracy

Democracy		Role of civil society in Democracy	
Conception	Institution		
EU	Some participatory democracy Representative democracy key (particularly in EP)	<ul style="list-style-type: none"> ➤ Deliver services ➤ Mobilise people ➤ Support the excluded ➤ Alert institutions to debate ➤ Aid European integration ➤ Collective learning ➤ Represent groups on issues ➤ Help the reception, creation, effectiveness and expertise of policy ➤ Consultee 	
		<ul style="list-style-type: none"> ➤ Deliver services ➤ Aid active citizenship and strong communities at the local level ➤ Partner in government ➤ Credible CSOs can help to provide opinions, knowledge and strength of feeling towards a policy. Increase community ownership and responsibility towards policy 	
UK government and bureaucracy	<ul style="list-style-type: none"> ➤ Some participatory and deliberative democracy particularly at the local level ➤ Representative, parliamentary democracy key ➤ Tenets of associative democracy in practice 		
Assembly	<ul style="list-style-type: none"> ➤ Some participatory democracy ➤ Representative democracy key. ➤ Tenets of associative democracy in practice 	<ul style="list-style-type: none"> ➤ Be participative ➤ Aid communities ➤ Deliver services ➤ Consultee 	

(EU sources: European Commission, 2001a, 2002b, 2002c, 2002d, ECOSOC, 2000; 2002; European Parliament, 1999, 2001a, 2001b; Follesdal, 2003; Treaty of European Union, 2001. UK government and bureaucracy sources: Blair, 2001a, 2001b; Driver and Martell, 2002; Lovan, Murray and Schaffer, 2004; Ravenscroft, Curry and Markwell, 2002. Assembly sources: Chaney, Hall and Pithouse, (eds.) 2001; NAW, 2000, 2002a. Richardson, 2003.)

CIVIL SOCIETY AND DEMOCRACY: THE PRACTITIONERS' VIEWS

In Chapter Two, the importance of understanding different definitions of civil society and democracy was demonstrated. This foundation was subsequently built on in this chapter where the different institutional discourses on civil society and democracy were outlined. The discursive picture is developed further by exploring what the individuals involved in CSOs and/or EU policy-making actually understand as civil society and democracy. This section will also identify whether the interviewees' perceptions bear some semblance to the discourses of the institutions they work in, and will discuss its implications for civil society in Wales' role in EU policy-making. Furthermore, the chapter allows an inquiry into the compatibility of views held by policy-makers with those of CSOs, and will address whether CSOs implicitly desire a more active role in policy-making and democracy. Finally, this section will facilitate a comparison of what actors perceive as civil society, democracy and civil society's democratic role with the actual involvement of CSOs in policy-making covered in Chapter Five. First a short backdrop into the topic must be given.

In Chapters Two and Three it was argued that institutional discourses on civil society and democracy structure civil society's potential role in EU policy-making. This works on the premise that institutions and discourse structure action (see Considine, 2005):

The institutional context is constituted by the vast range of rules – formal and informal, laws as well as social and political norms and conventions that set actors' common frame of reference and help shape not only actors' perceptions and preferences, but also their modes of interactions (see Starve, 1997). (Schmidt and Radelli, 2004:197)

This section seeks to examine to what extent institutional discourses are embedded in the minds of policy-makers involved in EU policy-making. The chapter will also identify whether policy-makers possess a common frame of reference and if so, is this shared by CSOs?

Research conducted by Hooghe and Marks (2001) provides some pointers as to whether institutional discourses will be shared between individual policy-makers. This section will briefly outline their research and its relevance to this thesis. Hooghe and Marks' study explored the assumption that the European Commission as an institution espouses supra-nationalist views on integration, by

examining the views of individual European Commission Officials on EU integration. It was discovered that some European Commission Officials' views did diverge from the assumed institutional discourse, and that Officials in fact held a mix of supra-national and inter-governmental views (Hooghe and Marks, 2001: 145). Significant factors in shaping Officials' views on integration included the length of time they worked in national administrations, the kind of nation-state in which they were brought up, whether they had strong national networks and where in the European Commission individuals worked. Thus, wholesale adherence to an institutional discourse is unlikely. However, it may also be possible that among civil servants working in national/regional administrations, there may be less divergence – as nationality is one of the key variables shaping European Commission Officials' views. This means people who work in national administrations will generally have less conflicting loyalties. Moreover, political alignments are also important for shaping political action, as identified by works on the POS (for example Kriesi et al., 1995). Thus political parties may also shape policy-makers' frame of reference as to what constitutes civil society, democracy and their inter-relationship.

Moreover, what is understood by "civil society" is rarely asked of groups or policy-makers operating in this sphere. It is this author's hope that by asking those involved in its construction, a more thorough understanding can be gleaned. The concepts of civil society, democracy and civil society's role in a democracy shall now be explored in turn through the responses of CSOs and then policy-makers. Additionally, any practical criteria that policy-makers gave to CSOs will also be elaborated upon. This will then allow comparison and further analysis of conceptions as they stand between the different camps of policy-makers, CSOs and political institutions internally and externally. When relevant, occasional comments from the Scottish Executive Official will also appear. The CSO responses in this chapter include the British and European CSOs, but not the Scottish CSOs. Due to time constraints in interviews not all interviewees were asked for their views on civil society, democracy and civil society's role in a democracy. However, as responses were elicited from CSOs across the key variables (geography, size, EU participation) and from policy-makers across governance and institutional levels this limitation should not detract too much from the ensuing discussion.

What is civil society? The view from Civil Society Organisations

Awareness of “civil society”

CSOs exhibited different levels of awareness, with many being hesitant before answering. There were only four people who said outright that they did not know anything about it or did know what it meant, and these comments came from three small, local Welsh groups and one Wales-wide group. Another three Wales-wide groups were unsure about its definition. In total, fourteen CSOs were aware of the concept. The British and European group interviewees were the most informed about the theoretical and academic understandings of civil society, thus an advanced understanding of “civil society” may arise with an individual’s distance from the grassroots and specialisation.

Significantly, three Welsh groups brought up the WCVA’s conception of civil society, two of which stated that WCVA first introduced them to the term. This is due to a WCVA (2002b) “Civil Society, Civil Space” manifesto launched to promote civil society and the voluntary sector’s role in providing a wider perspective on the contribution of volunteering. Thus it appears that the WCVA may have been very important in increasing awareness of the term. However, as one group commented, awareness may merely be concentrated higher up the organisational chain, with the WCVA survey (Nicholl, 2002:15) finding that most groups were unaware of the concept:

I’ve got a sneaky feeling that most voluntary and community groups are probably acting and operating as per a civil society and so on but they don’t actually know that they are doing that. (Interview, language/community group, 2003)

Internalisation²² of “civil society”

Most of the groups framed their understandings of civil society through their group lenses and their role using terms such as “our view” or discussing their group’s role in civil society:

... that’s really as a [group name] person how I understand civil society. (Interview, disability group, 2004)

But yeah civic society is very important and I think the faith dimension to that is very, very important. (Interview, religious group, 2003)

... the [larger group] of course knows a lot about civil society. (Interview, women's group, 2004)

Ten groups framed their answers in this way, tailoring their definition in relation to their CSO rather than offering their view as a private citizen.

Functional definitions of "civil society"

When detailing the meaning of "civil society" the groups described its component parts. The largest number of CSOs' responses viewed civil society as comprising groups (eight interviewees). However, the majority of CSOs also identified other components of civil society, such as "individuals" (four interviewees), "institutions" (two interviewees), "way of life" (one interviewee), "realm" (two interviewees) and communities (four interviewees). As might be expected in the Welsh context, where the last section revealed the Assembly had a partly communitarian understanding of civil society, four groups mention communities.

Two groups understood civil society as outside or separate from government, but as including the economic realm, which lends itself not only to the liberal approaches of civil society, but also the radical perspective. Four groups not only depicted civil society as non-governmental but also as a non-profit sector. As one commented, civil society is:

... a way of acting that is certainly not government as in politics and it is certainly not private sector as in MacDonalds and so forth. (Interview, linguistic/cultural group, 2003)

This non-profit/non-government conception is shared in communitarianism and new left thought. Moreover, the non-profit, non-commercial also fits in with the WCVA civil society definition where civil society is "located between the family, the state and the market" (WCVA, 2002b:1). This indicates the diffusion of WCVA's definition to other CSOs. One group also viewed civil society as apolitical. Interestingly, when interviewees defined civil society's boundaries, these were inclusive of their particular group. For example, the trade unions specified that they were part of civil society being not for-profit, and the business group defined civil society as non-governmental.

Purpose/values of “civil society”

The CSOs attributed a range of purposes and values to civil society. Their individual CSO and role informed this discussion, as many interviewees highlighted values and purposes that their organisations were trying to espouse, although this was not always the case. One interviewee in particular was suspicious of the concept of civil society, talking about how it was used, rather than why it should be valorised. Instead, the person viewed civil society, not unlike Gramsci, (on Gramsci see Cohen and Arato, 1994:146) as a means to perpetuate power, and also like a radical, in that civil society through civility and other means stops antagonism:

Now well civil society for me ... is a term that I am uncomfortable with. In a way we have to be careful with terms like that, because sometimes it is invented by the people who hold power in order to say, ‘Look we still want to hold power but there’s civil society out there’ and we can get right-wing fundamentalist groups ... saying ‘God loves you folks! And behave yourself and you’ll get your rewards in the next world and not in this one’. (Interview, poverty group, 2004)

The remainder of the groups who ascribed purposes and values to civil society visualised a more favourable conception of “civil society”. They placed a strong emphasis on liberal values such as rights and freedoms. Two groups posited that civil society could have a range of roles, values and responsibilities, and needed to be considerate to others. This perspective has crossovers into new left and liberal egalitarian perspectives with a concern for speaking for the disenfranchised and ensuring fairness:

... civil society is about fairness and involvement and making sure that everyone is treated fair or reasonable and not discluded because of age or whatever. (Interview, intermediary group, 2003)

The same groups who regarded civil society as responsible for social justice had a practical role in delivering and promoting that agenda. One group mentioned that part of civil society agenda “is that you should have a moral, equitable community” (interview, religious group, 2003) which is communitarian in the sense that it is up to society to promote moral behaviour (Etzioni, 2000). Two groups also commented that civil society was the realm where things simply “happened”, thus suggesting efficiency but not stressing any particular value as

such. Finally, three groups highlighted civil society's relations with government; one in terms of helping create and deliver policy, another as a partner and a check on government and the third as not being an instrument of the state.

Summary of Civil Society Organisations' perspectives

The one thing that can be taken for granted about civil society "is it means what you want it to mean ... depending on who you are and where you are" (interview, poverty group, 2004). The civil society groups interviewed had no common definition of civil society. The groups that attempted definition did so in a way commensurate with their organisation and their role, which means that the conceptions solicited can be taken as shrewd indicators of what these groups perceive as civil society. Awareness was uneven, with the smaller groups more in the dark than the larger, Wales-wide groups. Secondly, it was notable that some of the groups brought up WCVA's efforts on civil society, using this as a reference point to illuminate their definition. This could indicate an emerging common discourse among CSOs in Wales and should be tested through further research. Among the interviewed CSOs, a shared discourse did not exist; however, some commonalities can be discerned. For example, civil society is understood to be about groups and to a lesser extent the individuals who form those groups, and also about communities. Civil society's boundaries moved to include the group who was doing the defining. However, the most frequent understanding was that civil society rested in between the state and the economy, suggesting new left and also communitarian approaches have some purchase here. In terms of values and purposes, diversity again was apparent. Liberal concerns about freedom and rights were manifest and were more strongly supplemented by justice and equality concerns and civil society endorsing a more new left/liberal egalitarian civil society.

What is civil society? The view from policy-makers

Awareness of "civil society"

Awareness was much stronger here, with all the policy-maker interviewees (bar one whom was not asked) able to give definition of civil society. This suggests that civil society does have a fairly strong degree of resonance among policy-

makers and within their institutions. The representatives in Europe displayed strong levels of awareness and it was evident that their role brought them into contact with the concept. The policy-makers also exhibited the same hesitation in defining the term as civil society group interviewees, but they were also concerned about the “correctness” of their answer. It is probable that uncertainty is due to the fact that these people work with civil society on a day to day basis and civil society is part of tacit, implicit knowledge:

To me it is fairly obvious what constitutes civil society, but defining it is quite difficult. (Interview, UK civil servant, 2004)

I think it would have been sort of helpful if before we apply this particular phrase that we were all agreed on what it means and I am not sure that we do. And so I think rather than saying this is civil society or that is civil society I think it is much better if we talk about the interface that I have as a parliamentarian. (Interview, MEP, 2004)

Internalisation of “civil society”

Internalisation of the concept was by no means uniform. Notably, elected representatives or politicians in contrast to the civil servants were much more likely to structure their answers in terms outside of their institution:

... my definition coincides with that of the Commission because that’s what I’ve been working with. (Interview, European Commission Official, 2004)

I’ve got a vague memory of civic society being defined by Hegel, but I try not to operate with that one in government! (Interview, Scottish Executive Official, 2004)

The civil servants were, however, more likely to articulate an individual perspective than CSO interviewees. Some politicians’ views on civil society were related to what they thought their political party would perceive as civil society:

... that is the definition that Plaid Cymru would put on civil society. (Interview, MEP, 2004)

Thus, civil society has made inroads into the policy-makers’ camp and awareness of the concept is much stronger here than among the CSOs. Internalisation is

made more complicated by the multiple roles that these individuals play in policy-making, with politicians more likely to have their own view framed by their political parties and also by the level at which their interaction occurs. The civil servants did offer some individual perspectives, particularly when their institutions' conception was harder to glean (for example the UKREP civil servant), but when a more explicit understanding was in place, as in the case of the European Commission, then their institutional view seemed to prevail.

Functional definitions of "civil society"

On balance, there was more discussion in interviews on civil society's external boundaries than on its constituent parts. When pinpointing what was "civil society", the majority (ten interviewees) mentioned "groups", similar to the CSOs. Civil society was also viewed as "community" (one interviewee), "arena" (one interviewee), "society" (one interviewee), "people's voices" (one interviewee), "blocks"/"sectors" (two interviewees) and as a "set of assumptions" (one interviewee). Interestingly, there was little mention of community, unlike the CSOs and as might be expected from the Welsh and British policy-makers, given the Assembly and UK governments' institutional discourses have some communitarian overtones. This suggests that institutional conceptions may not be commensurate with the views of the individuals in those institutions. However, some policy-makers may have used Wales as a replacement for community in that as many as four of the policy-makers talked about civil society with regards to perspectives within Wales or held by the Welsh nation.

Moreover, both the WAG Official and the AM referred to "the three golden blocks, if you like, in the Welsh context, of the local government, of the voluntary sector and the business sector" (interview, WAG Official, 2004) as civil society. This definition of civil society is also found in Peter Hain's speeches on devolutionary politics in Wales. Thereby, its presence among the Assembly policy-makers perhaps points to a shared vision of civil society in and around the Assembly. The WLGA Official concurred with local government being "in the equation", as did the CoR member. This is an unusual view of civil society theoretically because parts of the state are positioned in this realm of civil society, and perhaps attests to viewing civil society as fluid, and

functionally equates most with the radical perspective of civil society. Moreover, it may be an attempt by the Assembly to formalise and structure local government's input and by treating it as an external agency in civil society. It does seem that local government is treated as another interest group through its WLGA association in EU policy-making. Thus, whatever constitutes "state" and "civil society" depends on the vantage-point from which the political community is viewed. The inclusion of government in civil society is further reinforced as some Welsh policy-makers in the European context would likewise similarly include regional governments and associations in "civil society". The inclusion of the business sector by two Assembly policy-makers suggests a libertarian/liberal egalitarian view of civil society. However this perspective is untenable as the Assembly policy-makers also include local government in civil society. On the other hand, libertarians/liberal egalitarians would place government outside of civil society.

There was nevertheless considerable mention of civil society being non-governmental (seven policy-makers: one MEP/Conventioner, two MPs, two UK civil servants and two European Commission Officials). This suggests that those attached to the British context (MPs and UK civil servants) and European context (European Commission) have different views than the regional representatives/civil servants in Wales. The view of civil society as non-governmental lends itself to libertarian, liberal egalitarian, communitarian and new left perspectives on civil society. How policy-makers perceive civil society in relation to the economy will assist a deeper understanding of their perspectives on civil society.

Only one European Commission Official explicitly referred to civil society as being non-profit. This view diverges from the ECOSOC's (1999) definition of civil society (which the European Commission advocated), which included market players. The European Commission Official explained that he excluded market players from civil society because they were instead engaged in the social partnership. One MP also talked about employer representatives as being part of civil society, he did not mention the businesses themselves.

It does appear that the people engaged in the Assembly have the most all-embracing view of civil society. This stands in stark contrast to the dominant civil society view articulated by the CSOs, which places much stronger barriers

between civil society and the government and the economy. Significantly, the Welsh Assembly's view of civil society is not shared by the British or by some of the European representatives and may testify to the new Welsh devolutionary arrangements with partnership in ascendance. This also suggests that CSOs are more in tune with the sentiments proffered by the European policy-makers, as they presented a more liberal view of civil society with some new left elements. There was surprisingly little explicit mention of "community", suggesting that there is a disjuncture between the communitarian perspectives identified in the British and Welsh contexts in the literature review, in policy-makers' discourse and in civil society groups' views. These claims must be put to further examination by exploring the purposes/values accorded to civil society by policy-makers.

Purposes/values of "civil society"

The policy-makers were more forthcoming on the purpose of civil society, than on defining civil society's values. However, policy-makers mentioned the purpose and values of civil society less than the functional components of civil society. Values were mentioned in two quarters: a) by a CoR member and b) by a European Commission Official. The former stressed the public/societal benefit, leaning towards liberal egalitarian, new left and communitarian views that were found across the institutional discourses. The European Commission Official accentuated a shared Welsh nature and set of assumptions in creating their civil society:

We're [the Welsh people] of a temperament that is social, that is engaging in a way that is without criticism; it is very convivial and it is not mean or mealy mouthed, it can be critical and it can be gossipy. (Interview, European Commission Official, 2004)

He also stressed "equality it's about equality", a view that adds fuel to the argument that the WAG is creating a "clear red water" from Westminster (as described in Chapter Five) and also to the position that there is a Welsh civil society. The stress on equality is characteristic of liberal egalitarian and new left thought.

The other response focused on the perceived purpose of civil society, notably its governance functions in relation to democracy. Here an MEP, MP and the WLGA Official viewed civil society as aiding democracy through participation, people organising themselves and allowing debate. One UK civil servant believed civil society should be or is involved in policy-making. The ECOSOC member perceived civil society as representing different views in Wales and the WAG Official identified civil society as having a stake in how society is run.

On purposes and values there is not the same divergence of views as the functional definitions revealed. This may simply be down to the lack of responses. It is notable that the governance/policy-making functions of civil society were identified across tiers of governance, demonstrating the acceptance of some role for civil society in policy-making. Nonetheless, the emphasis on policy-making/governance functions of civil society may be attributable to policy-makers' proximity to the policy-making process. The mention of civil society values such as public good and equality have a crossover with values mentioned by CSOs. There was also little mention of the service delivery function that civil society can fulfil that was found in the literature review to be emphasised by the UK government and in the Welsh context. The purposes are not in line with radical or libertarian views of civil society which, bar the UK government, does not feature in institutional discourses, suggesting some parity among policy-makers and their institutions.

Summary of policy-makers' perspectives

Awareness of "civil society" is greater amongst policy-makers than CSOs, demonstrating that the term has taken a deeper hold. This may reflect that it is often easier to define the other (for policy-makers) than define "us" (for civil society). Internalisation of the concept by policy-makers along their institutional lines was weaker than the CSOs, but was stronger amongst civil servants than elected representatives. Politicians instead looked to their political party as well as their own views, suggesting discourses of formal political institutions will be less prevalent amongst politicians. With regards to functional definitions there was general acceptance that civil society meant "groups", but there was an absence of references to community that might well have been expected amongst

British and Welsh respondents. The Assembly policy-makers had a different perspective of civil society, similar to the Assembly institutional conception: that civil society was about partnership and included the local government sector and the business sector. The European civil servants, British elected representatives and UK civil servants instead conceived civil society as merely non-governmental. The inclusion of “for profit” is in line with the British and European functional and practical institutional discourse but goes against the grain of the main CSOs’ perspective. There was less discussion of values and purposes, and those discussed focused around the public good, equality and also the role that groups could play in governance and democracy. There was no commonality within institutional tiers. The chapter now turns to how the CSOs’ practitioners understand democracy, and the resultant space there is for civil society.

What is democracy? The view from Civil Society Organisations

Awareness and internalisation

All the CSOs who were asked “what they understood as democracy”, supplied an answer. Some interviewees exhibited consternation when asked this question, with one respondent saying: “that’s like a ‘who wants to be a millionaire question’ ” (interview, intermediary group, 2003). There was not as much internalisation of answers as CSOs. However, four groups did refer to civil society, or their group’s activities in their answer, suggesting some internalisation. The limited examples of this suggest that the answers given were more informed by their individual/private citizen perspectives.

Conceptions of democracy

The conceptions of democracy given by CSOs cover three sets of views:

- a) the equal voice of individuals in representative democracy (three interviewees),
- b) call for more participatory democracy supplementing representative democracy (six interviewees) and
- c) participatory democracy in active communities (one interviewee).

It should also be added that many of the five interviewees were critical of current democratic arrangements and hinted at the need for change, thus idealising their views of democracy. Equally, it is worthwhile to note that all the responding interviewees stressed the participative function of democracy, from minimal voting to actively taking decisions.

The first set of CSOs viewed democracy as individuals having an equal voice in a system of representative democracy. This perspective was supplemented by two groups stating that individuals had a responsibility to participate in this system as it was “a two sided contract” (interview, intermediary group, 2003) between individuals and government. This view is justly accepting of current democratic representative arrangements in a nation-state and does not automatically equate towards encouraging civil society to have more involvement in policy-making.

The second grouping who viewed democracy as centred on participation and supplementing representative democracy were fairly heterogeneous in the kind of participation required and their reasons for it. The religious group was critical of majority democracy, contending that it makes decisions on the basis of public opinion. Instead, this group called for a moral view to inform the public, which has tenets of elite democracy. The environmental group wanted more elections and referendums and similarly brought up the issue about how to achieve consensus amongst conflicting views. This was echoed by the disability group who wanted government to take into consideration the concerns of both the active and non-active. The pro-European group conceived of democracy as part of a political culture fostered by active civil society, with the freedom to discuss ideas. However, the trade union was critical of too much argument, instead advocating that people should work together on what they agree and was critical of adversarial/majoritarian democracy (this “Welsh” dislike of debate is described by Chaney and Fevre, 2001). The trade union representative felt democracy should be local and engage citizens.

There were two interesting perspectives from the European CSO and the British CSO. The representative of the European Civil Society Organisation (ECSO) detailed his response on democracy reflecting on the EU’s democratic deficit and the EU’s attempts to bring in civil society to stimulate participatory democracy. The ECSO representative envisaged two issues:

- 1) that participatory democracy could not be the EU's only democratic regime and
- 2) that institutions would have to invest in building civil society's capacity.

He also commented that other ECSOs were concerned that participatory democracy entailed more consultation but not effective participation. The British CSO viewed democracy in classical liberal terms as freedom from state interference and having competitive market individualism. This was also tempered by some concern for communitarianism, and called for the creation of a common view on governance and a good active society, "a society in which people are actually decent and not out to rob one another" (interview, British CSO, 2004). This seems a clear third way take on democracy and in tune with the sentiments of the UK government. There were only two groups who perceived participation and decision-making in communities as the key to democracy.

Thus there are a number of democratic conceptions to be found among the CSOs. The more radical democratic theoretical projects as detailed in Chapter Two are hardly mentioned, but more participation or voice within liberal representative democracy seems the order of the day. There are different takes on what form the participation should take and the rationale behind that. The ECSO offered an insight into ECSO's perspectives on the EU's new participatory democracy and its limits. The British CSO's view was also interesting for its complexity and crossover with that of the third way perspective. What these standpoints mean is that there is a receptive audience for participatory democracy to be offered by the EU as long as representative structures still stand. Will the policy-makers echo these views?

What is democracy? The view from policy-makers

Awareness and internalisation

Eleven out of sixteen were able to respond to the question of what they understood as democracy, showing a strong amount of basic awareness. As with the CSOs, the question caused some concern. Most of the civil servants answered this question through reference to their own role, making their response more likely to represent their institutional view:

I think as a civil servant, it's a very limited answer. (Interview, Scottish Executive Official, 2004)

Conceptions of democracy

The policy-makers tended to give much more neutral, procedural conceptions of democracy and were concerned for accountability and to protect minorities in a majoritarian system. They were therefore describing the present system of representative democracy where accountability is ensured through free and fair parliamentary elections. There were a couple of exceptions to this. Firstly, a nationalist politician argued the EU's democratic deficit existed because stateless nations did not have EU representation and because there is a lack of answerability in the EU with no constitution. Another politician called for subsidiarity.

The ECOSOC member articulated a Rousseauian view of democracy as representing the "will of the people", but saw this as impractical because people cannot be consulted all of the time, therefore the current arrangements of representative government stood. One European Commission Official presented democracy in relation to the measures introduced by the new draft European constitution, articulating the Draft Constitutional Treaty's (DCT) view of participatory democracy. Another European Commission Official also mentioned participatory democracy, whilst discussing the current democratic arrangements of nation-states, suggesting that these two Officials are in tune with their institution's views.

Thus, it appears that innovative democratic projects relating to civil society have not permeated into policy-makers' understandings of democracy, and in the main, representative and electoral systems provided the cornerstone to this discourse. This suggests that civil society will have little legitimacy within this system and also little role. It also questions the extent to which the rhetoric of the EU's participatory democracy has gained widespread acceptance. Nonetheless, the EU's DCT does state that it is founded on representative democracy, a view conceded by both the European Commission and the ECOSOC, supplemented with participatory democracy. This indicates that policy-makers may in fact be in line with EU thinking here and that the ECOSOC and European Commission representatives do largely share their

institution's views. Furthermore, policy-makers have a vested interest in the running of the current system and in particular politicians may be hostile to giving up their monopoly on legitimacy:

So democracy is always seen as a good thing by the people in power 'cause they define what is democracy. (Interview, trade union, 2004)

Nonetheless, before this argument can be qualified it is necessary look at what role policy-makers think civil society *should* play in a democracy. For despite representative elected democracy being at the front of policy-makers' minds, there may yet be scope for civil society:

... if lots and lots of people want to join an organisation like the RSPB and Oxfam and are willing to give them time and money to it and or Greenpeace or Trade Unions ... then it's absurd for anybody in public life and in particular for elected politicians to ignore them. (Interview, MEP/Conventioneer, 2004)

Role of civil society in democracy: the view from Civil Society Organisations

Internalisation

CSOs continued to make reference their group's and their group's activities here when discussing civil society's role in democracy. Seven of the groups illustrated their answers through their own groups' work and one interviewee offered a private citizen's perspective.

Civil Society Organisations' perspectives on civil society's role in a democracy

Most groups viewed civil society as essential for democracy with two groups stating "civil society is that which makes democracy possible" (interview, pro-European group, 2004). This sense of a positive relationship was not unanimously shared, with three groups casting doubt on this assertion. One group did so because it was concerned that CSO campaigns could force something upon people, and two other groups questioned whether groups should have more of a say than individuals. One CSO also did not necessarily think civil society should be contributing anything to democracy, but that democracy merely gave civil society the space to occur.

Eight groups highlighted the policy-making/governance functions of civil society, such as lobbying, policy-making, speaking up for marginalised groups, criticising and scrutinising government, representing people, solving problems outside of government, partnering with government, social integration, empowering communities and creating services. Three groups identified public sphere functions such as giving people voice, educating the press and media, and deliberation: “pulling thoughts out of people’s heads and making them public property” (interview, equality, 2004). Finally, seven groups also brought up individual effects of civil society towards democracy, particularly that of educating individuals to empower them by giving them political/civic skills to engage with government or to change their lives.

Discussion of Civil Society Organisations’ views

Civil society’s role in a democracy follows a similar pattern to the CSOs’ views on civil society and democracy, in that there is no consensus shared by the groups. Civil society’s democratic potential was even challenged by a couple of groups. However, CSOs identified strongly the policy-making/governance functions of civil society and also their individual effects in democracy. The policy-making/governance functions bode well for a range of democratic projects, including associative democracy, participatory democracy and deliberative democracy, and also for civil society projects; to a lesser extent liberal egalitarianism, greater extent communitarian, new left and radical civil society projects. The individual effects would aid participatory and deliberative democracy and liberal egalitarianism, communitarianism and new left civil society projects. The business group commented that their group as civil society aided the economy, not democracy, and therefore only mentioned the emphasis on civil society as a realm of freedom contributing to democracy. The foregoing demonstrates that libertarian views of civil society in democracy are very sparse, but nonetheless present, among the interviewed CSOs. The emphasis seems to be on civil society engaging in the democratic process through policy-making/governance, as well as providing individual democratic skills. It seems then that CSOs would approve and be receptive to moves towards participatory democracy.

Role of civil society in democracy: the view from policy-makers

Internalisation

There was little explicit internalisation of the concept by interviewees to their institutions here. One MEP referred to the EP in his answer and a European Commission Official discussed European Commission policy.

Policy-makers' perspectives on civil society's role in a democracy

The policy-makers focused almost entirely on civil society's policy-making/governance functions with minor reference to public sphere roles. This would suggest some internalisation of this both to their institution and role, as these individuals are at the heart of the policy/governance process. The majority of the answers mentioned civil society lobbying, putting forward views from sections of society and being involved in policy development. The ECOSOC member used the term "stakeholders" to describe civil society in policy-making, highlighting that only parts of civil society can legitimately engage here. Civil society was seen by an MP as giving voice to sections of society, which could also tangibly be perceived as a public sphere function as well as a governance function. Another MP also raised the point that community activity was a check and balance on government, suggesting a liberal perspective of democracy, and that civil society could indicate where public opinion lay on a particular issue. Indeed, civil society as pressure groups or as representing sectors was frequently raised across levels, which may be problematic for organisations with a wider agenda or not necessarily representative of a particular sector.

European and UK policy-makers also talked about the need to listen to civil society views but recognised that these were sectional, and saw themselves as needing to have a wider view enabling these to be judged, suggesting that their understanding of their role was partly informed by a measure of liberal neutrality:

By definition most pressure groups are one eyed, that is they see their own part of their area and they ignore the big picture ... They are important, they must be given respect, but they must be put into context. (Interview, MP, 2004)

Finally, two policy-makers (UK civil servant and European Commission Official) viewed lobbying government or becoming elected representatives as the only means by which civil society could be engaged in the democratic process as it stands:

The processes that we have at the moment, they really are your two options; either to lobby political institutions or to get into them. (Interview, UK civil servant, 2004)

Notably, current liberal representative democratic systems provided the reference point for all of these answers, indicating either acceptance of current modes of democracy or realism towards the current situation and perhaps reluctance to drastically change the status quo.

Discussion of policy-makers' views on civil society's role in a democracy

Policy-makers, perhaps due to their proximity to the policy-making/governance system, overwhelmingly attributed governance functions to civil society groups, with some public sphere functions as well. The effect of civil society upon stimulating individual democratic effects was not mentioned. This suggests that policy-makers are not aware of the *individual* functions and effects that civil society can have in creating a healthy democracy, and that they have different views of the civil society groups themselves. Moreover, viewing civil society as pressure groups engaged in lobbying, or as sectoral representatives, questions to what extent policy-makers truly understand civil society and whether it is just a convenient term to cover what traditionally was understood as pressure groups.

There was also little explicit internalisation of policy-makers' views on this topic with that of their institutions, making it hard to relate their views to that of their institutions. One European Commission Official did discuss the European Commission's approach of dealing with only ECSOs in Brussels and was not in tune with this view, indicating institutional asymmetry. The agreement that civil society should be involved in policy-making/governance via lobbying does suggest some space for participatory democracy to emerge and for civil society's involvement in policy-making. However, European and UK policy-makers recognise that civil society is also sectional and politicians are

instead left to interpret the common good, as a result civil society may be listened to but their views might not necessarily be taken on board.

Practical criteria applied to civil society

Previously in this chapter it was demonstrated that while institutions may have initially very broad conceptions of civil society, these are supplemented by practical criteria. In the previous discussion of civil society's democratic role, it can be seen that "civil society" was whittled down as the concept was applied to practice. The discussion now turns to how policy-makers deal with civil society in policy-making, to see if they apply any criteria and whether their practical conception differs from their more theoretical one.

Most policy-makers said that they had no criteria for dealing with civil society groups. As one remarked:

I listen to everybody, I talk to everybody. (Interview, AM, 2003)

Three (ECOSOC member, CoR member, European Commission Official) clearly identified those with whom they would be uncomfortable in dealing with. For the CoR member (2003) this was "very-right wing groups", a view shared by a European Commission Official who saw these groups as in contravention of EU founding principles and the CFR. The ECOSOC member specifically cited the British National Party as an example of groups with whom they would not engage with. The UK civil servants were concerned to appear open to the general public and generally accentuated the fact that they would not be making decisions about policy direction. Representativeness was also a factor listed by one MEP and one MP, with the MEP commenting that because the representativeness of groups was not assured, groups' representations were not given precedence over individual views. Professionalism, the ability to be constructive and the concerns of established voices were also remarked upon by the WLGA Official, MEP and MP (again these practical concerns can be found in the European and British institutional discourses). Whilst the European Commission Official said that he would listen to groups that were not properly constituted, this against the larger institutional grain. Other factors mentioned by an MP and an MEP were personal contact and established relations (this was

found across the institutional discourses). The relevance of policy-makers' subject responsibilities was also commented upon as a factor for dealing with CSOs. Finally, whilst politicians were open to views, they did admit that their own world-views, particularly those of their politics and political party (and some also mentioned benefit to Wales or their constituency), would shape how they would take on board civil society concerns.

On the whole there seems little practical criteria applied to civil society groups before engaging in the democratic process. This may simply be a reluctance to impart biases by policy-makers. However, viewed positively, it may demonstrate that civil society has a receptive audience in policy-makers at all levels, with little criteria attached, a finding that runs counter to the institutional discourses discussed previously. However, there were a few expressions of *de facto* criteria based on professionalism, existing contacts, constructive advice and established bodies; although these were not concentrated at any one particular level (UK or EU), they were not offered from the Assembly based policy-makers. The civil servants were also much more reluctant to add criteria than were the politicians. Indeed, the politicians did confess to translating civil society views through their own personal and political paradigms:

I have to balance this [civil society group's] argument in the context, in the way in which I view issues politically myself in order to come to a proper judgement. (Interview, MEP, 2004)

Are the conceptions of civil society and democracy compatible?

Do policy-makers, civil society groups and political institutions have agreed and compatible conceptions of civil society, democracy and consequently civil society's role in a democracy? Although there is certainly no consensus, there are general patterns and dominant themes, which will be discussed here.

Civil society groups and policy-makers mainly perceived civil society as constituted by groups of individuals. There was also some crossover in attributing the values of fairness to civil society (both new left and liberal egalitarian views), but policy-makers placed more emphasis on the common good than the CSOs. The largest difference with respect to civil society was over its external boundaries. For example, some Welsh policy-makers included

parts of the state and the economy in civil society, which differed from the main CSO view of civil society as non-profit and non-governmental. Civil society was seen by the other policy-makers as non-governmental (liberal, new left and communitarian) and by a European Commission Official as non-profit.

The almost complete omission of civil society as “community” by policy-makers is another significant departure, since a number of civil society groups mentioned “community”. The result is that policy-makers are largely operating with different functional definitions of civil society compared to organisations within civil society itself. In some instances (such as Wales) “civil society” definition is cast wider than a large cohort of civil society groups would understand as civil society and is also missing significant components such as community. Arguably this suggests that the communitarian view of civil society is not applicable amongst those engaged in the high politics of EU policy-making: instead, the practical criteria placed by British and Welsh institutions of preferring large groups may be more relevant. Policy-makers appear to operate with more liberal views of civil society in mind, which although shared by civil society groups is tempered by their communitarian preferences (albeit with a dose of liberalism) and perhaps is testimony to the diversity and sectionalism within civil society itself. These results also indicate that the European Commission may be more in touch with civil society in Wales than their Welsh counterparts. However, the differences should not be overestimated as policy-makers and civil society groups do seem to share the centre ground, with libertarian and radical perspectives not making much headway.

On democracy, CSOs emphasised the participatory components whereas the policy-makers emphasised the procedural/system aspects. Both organisations located themselves within current representative democratic systems, the policy-makers more so with some civil society groups mentioning democracy within communities. The view from the latter gives more room to not just civil society but also to citizens within the political system, in comparison to policy-makers (bar two European Commission Officials who referred to the participatory democracy project). Again, there is some disagreement, but it is played out on common ground, with the understanding that democracy should be conducted within current systems of representative democracy. This perhaps minimises the

space for a very active civil society in policy-making and curtails its input to a consultative role.

Civil society attributed individual, public sphere and policy-making/governance democratic functions to civil society. Policy-makers attributed policy-making/governance and to a lesser extent, public sphere functions to civil society. Notably, these policy-making/governance functions were constrained by the preference for the current system of representative democracy.

Civil society groups and policy-makers do fare differently in their perspectives, but there is shared ground particularly in their preference for the current system of representative democracy and envisaging civil society contributions within this system. Consequently, this standpoint limits civil society's potential role in a democracy, and casts doubt on civil society's role in policy-making being able to change markedly, as both policy-makers and CSOs accept current democratic arrangements (despite civil society wanting more civil society participation than policy-makers). As such this creates a less benign environment for civil society's involvement in a participatory democracy and consequently challenges the reconciliation of the EU's democratic deficit through this method.

Moreover, the subtle differences in the understandings of civil society and democracy presented by policy-makers from different spheres of governing, as well as CSOs, indicates the lack of a common EU-wide political culture (Verhoeven, 2002:47). A common political culture is arguably one requirement for the formation of a post-national European identity, which the *demos* conception of the democratic deficit could be seeking to create.

The addition of limited criteria by policy-makers to civil society groups, reduces the space for alternative projects to arise and new elements of civil society to be heard by policy-makers. This conceivably reduces the amount of input legitimacy that civil society can bring to the EU's democracy, if only certain societal "voices" are being listened to. Civil society and policy-makers also diverge on the space given to communitarian conceptions of civil society and on the role of civil society in a democracy.

Policy-makers' internalisation of concepts was uneven, thus one would expect asymmetry between institutional discourses and their views. Did this

occur? The lack of direct mention of “community” is surprising and deviates from British and Welsh institutional discourses. The reference by some Welsh policy-makers of public, private and voluntary sectors in civil society does concur with the Assembly’s institutional discourse. One European Commission Official diverged from its institutional discourse, despite being well versed in them, by being willing to speak to non-constituted groups and also depicting civil society as non-profit. This anomaly may be explained by this individual’s significant role (a senior role in the European Commission) and having more autonomy than other civil servants. However, a Brussels European Commission Official’s answers coincided with European Commission views entirely. The ECOSOC member also framed his answers with reference to the ECOSOC definition of organised civil society. The emphasis on democracy as largely representative (although both the European Commission Officials mentioned participatory democracy) is completely in line with institutional views, which place democratic legitimacy in their representatives and representative systems. The practical criteria placed towards civil society in policy-making of professionalism and established voices were equally present in both the institutional discourses and interviewee definitions. It was surprising that the policy-makers left out service delivery functions of civil society, a view found in most institutional conceptions.

On the whole, civil servants tended to share these institutional views and internalised their views with reference to their institution, whereas politicians were more likely to have private citizens’ perspectives or be informed by their political parties, as they internalised their views less to that of their institutions. Political party affiliations in these instances appear to have more directing power than that of their institution. Civil servants on the other hand carry out the work of their institution as directed by governing politicians and are therefore much more likely to express and perpetuate the institutional view of civil society, democracy and their inter-relationship. However, the deviant case of one European Commission Official suggests that the power of the civil servant to set his or her own agenda, within limits, must be taken into consideration.

Some credence to the idea that institutions do articulate and are able to reinforce conceptions of civil society, democracy and civil society’s role must be given in the compatibility of many conceptions with their wider institutional

context. Thus, it would be expected that policy-makers do operationalise these concepts and that they will therefore structure civil society's role in the EU multi-level system. It must also be commented upon that if politician's political parties and world-views shape their conceptions, then these too may be expected to shape civil society's role, with certain political parties and individuals preferring particular civil society groups. This is evident in the different standpoints of the British Conservative party as compared to the British Labour party towards trade unions (see Grant, 2000). The examination of policy-makers' views also revealed that different governance levels operate with different conceptions of civil society in mind, particularly with regard to its boundaries. This in turn creates incompatibility and a degree of non-uniform filtering between levels in accessing civil society's view.

There is also an issue in regional and local governments being seen in the European context as civil society. If civil society is subordinate to the concerns of elected representatives then regional and local governments' concerns may also be subordinated to other elected representatives and decrease their political opportunities.

The almost wholesale internalisation of civil society conceptions by civil society groups suggests that groups can also be seen as social institutions with their own value and identity structures (much work has been done on this field, particularly on social movement organisations, see for example Herzog Jr, 1993). For the purposes of this study this means that the responses elicited from civil society groups on civil society, implies that the views of the CSO were accessed rather than personal views.

CONCLUSION

The first part of the chapter highlights the need for democratic assessments to consider the democratic characteristics and contributions of individual CSOs. The framework utilised here could be easily transposed to other studies wishing to explore CSOs' democratic contributions. This section also demonstrates that a key variable in CSOs' democratic contributions is their type of membership – whether they are umbrella, membership, statutory or charity groups. It does appear that what some CSOs lose by one democratic indicator, they gain by another. Thus, the involvement of predominantly umbrella groups in EU policy-

making in this study need not be a bad thing for democracy per se, particularly as those groups not involved received a similar democratic rating as those involved. However, if the EU's democratic deficit is to be reconciled via participatory democracy with CSOs providing input legitimacy and reconnecting EU institutions with the citizens of Europe, then the lack of membership participation in these umbrella CSOs is worrying. The participation of umbrella groups highlights the existence of corporatist relations being peak organisations with less member/stakeholder participation. The corporatist elements are further confirmed with the limited involvement of charities that are constrained by law and dependent on government resources. However, some pluralism is evident with umbrella groups exhibiting strong independence from government and all groups possessing basic internal democracy and some member/stakeholder participation.

It is also evident that institutions' discourses on civil society and democracy limit the space for civil society's involvement in policy-making. Notably, practical criteria applied to civil society before engaging with them would appear to limit which civil society members can participate in policy-making. Differences in discourse are notable between the different institutional tiers, thus leading to the idea that different kinds of group may fare better or worse at different institutions involved in EU policy-making. Both institutional perspectives on civil society and democracy highlight the primacy of the status quo with representative democracy being supreme and civil society's contributions envisaged as aiding the existing system, particularly via service delivery in the British and Welsh perspectives.

Policy-makers both demonstrated divergence and parity with the institutional discourses. The politicians presented more personal views, some of which were shaped by their political party and sometimes were compatible with that of their institution. Civil servants more strongly internalised and replied with institutional discourses. The example of the European Commission Official suggests that the power of individual civil servants and freedom for their own views must also be taken into account when exploring the fit between institutional and individual perspectives. The result is that the people who operationalise these concepts do go some way in sharing these with their institutions. Therefore some structuring of civil society's role in policy-making

along the lines of institutional discourses can be expected, although this will be further tested in Chapters Five and Six. Another important finding was the presence of different views of civil society held by policy-makers at different levels, suggesting that some aspects will be gained and/or lost at these different levels if civil society seeks to work through them in order to influence the course of EU policy-making. Moreover, the primacy of representative democracy perspectives among policy-makers and even CSOs indicates that civil society's role in policy-making will be on the margins. Does civil society in Wales' involvement in general EU policy-making echo these sentiments? It is to this area that the study now turns, to examine how civil society groups operate generally in regard to EU policy-making and whether institutional discursive opportunities play a formative role.

THE CONTEXT: EUROPEAN UNION POLICY-MAKING, CIVIL SOCIETY IN WALES AND POLITICAL OPPORTUNITY STRUCTURES

This thesis now moves to an analysis of civil society's general engagement in EU policy-making. This chapter will provide the context to the case study on "The Convention" in Chapter Six. The POS will be applied to the subject matter at hand, EU policy-making²³ and Wales. This chapter will firstly outline the POS in relation to where, how and when civil society in Wales can and should be involved in EU policy-making and will highlight the structural factors constraining CSO's participation. Secondly, the chapter will illuminate where, when, how, why and which CSOs under study engage and do not engage in EU policy-making. Consequently, civil society's actual success in the EU policy-making process can be estimated and compared with the empirical research findings. The factors that shape and explain civil society's policy-making role will also be analysed.

THE POLITICAL OPPORTUNITY STRUCTURE: FROM WALES TO THE EU

This section will outline the more stable aspects of the POS by divulging the institutional opportunity structure (the legal, procedural and power dynamics of institutions involved in the policy-making process from Wales to the EU) and informal procedures and prevailing strategies (interest group relations with institutions and institutional conceptions/discourses) by means of other studies, literature, documents and interview material. The exploration into interest group institutional mediation will also provide some basic analysis on the possible existence of corporatist or pluralist relations.

One additional caveat, the EU policy process to Wales is variegated along two dimensions: a) the sector/issue (Wallace, 2000a), and b) the type of policy/legislative instrument. The former not only outlines where responsibility

for competency lies, but also gives shape to the type of policy community and informal ad hoc procedures deployed in creating policy. The policy/legislative instrument is similarly fashioned by the sector, as the European Community (EC) Treaties dictate the procedure for formulating legislation in a given sector/area. The procedure affects institutional power dynamics, determining who is involved and to what extent. Equally, the type of legislative instrument also determines regional involvement/discretion in implementation. As an overview of the EU process, providing the context to the Convention case study, this chapter recognises these different factors but will not explore these in depth.

The chapter will first explore the institutional opportunity structure: how the different political institutions are engaged in the EU policy-making process. This will illuminate the different institutional roles and constraints and enable an understanding of civil society's activities in EU policy-making.

Institutional Opportunity Structure

The legal basis for Welsh involvement in European Union policy-making

One of the arguments put forward for devolution by the pro-devolution movement in Wales was the prospect of a more active, independent voice in Europe (Bulmer et al., 2002:146). Thus, it would be expected that the devolved Assembly²⁴ would have some input into EU policy-making. However, the EU remains a reserved matter for the UK government. Nevertheless, the Assembly must abide by EC obligations, has the power to implement EC policies (106.1 Government of Wales Act) and can create subordinate legislation to carry out that implementation when European orders have been designated to it under section 2 (2) of the European Community Act of 1972 (Miers, 2002:34). The Government of Wales Act also entitles Wales to have representation in Europe and to have a standing European Committee. Thus, the scope from the devolution settlement for the Assembly to impact EU policy is rather minimal.

Fortunately for the Assembly, that is not the end of its European story. As many of its devolved functions are strongly affected by the EU (NAW, 2003a) (Annex Two outlines the crossover of areas), the UK government *does* involve the Assembly in EU policy decisions that affect devolved areas and Wales, as laid down in the Memorandum of Understanding and Concordats:

... the UK Government wishes to involve the *Assembly Cabinet* as directly and fully as possible in *decision-making* on EU matters which touch on devolved areas (including non-devolved matters which impact on *devolved areas* and *non-devolved matters* which will have a *distinctive impact of importance to Wales*). (B2.3, NAW, 1999:2)(Italics added)

From the above excerpt, the WAG cabinet is positioned as the key Welsh actor in negotiating EU policy. However, it is important to note that this concordat, Memorandum of Understanding and other concordats (concluded between different Whitehall departments and the WAG) are not legally binding, but are only codes of good practice. This inter-governmental process is seen to be functioning well under current party political alignments, but this has yet to be tested by the presence of a different governing party in London to Cardiff (Scott, 2003:276). These arrangements also create a high degree of nesting (from the viewpoint of the Assembly) and low autonomy, and decrease the Assembly's potential to create different EU policies and consequently civil society's ability to press competing claims (on the effects of nesting see Meyer, 2003).

The legal settlement is complicated by two further matters: a) changes in the Assembly set-up and b) the original basis of the settlement. The Government of Wales Act and Concordats were intended for a corporate NAW model with executive power invested in the whole of the Assembly. The separation of the NAW from the WAG in 2001 has complicated matters and changed procedures (for further elaboration see Osmond, 2003a). This state of affairs is exacerbated by the messiness of the original Welsh devolution settlement. Unlike Scotland, Wales was not given overarching areas of competence; instead, Wales has certain powers in aspects of devolved areas based on the former Secretary of State for Wales' powers. In other words, whilst Scotland has responsibility for culture, Wales has only certain powers to change aspects of cultural policy; the rest is kept with the UK (this problem is outlined in Mike German's evidence to the Richard Commission, 2002). This legal situation places a premium on Assembly-UK government relations:

Consequently, if that influence is to have an impact at EU level much will depend on the relationship between the administrations of the regions and its member state. (Scott, 2003:281)

Welsh institutions

This section shall discuss the involvement of the committees, the NAW and the WAG in turn in EU policy-making. Some areas of the Assembly are more affected by the European dimension than others, making lobbying at certain committees and departments more likely:

Most of what the Welsh Assembly Government has responsibility for is affected by decisions taken at EU level – particularly so with agriculture; economic issues such as Structural Funds, state aids and transport; environmental legislation and to a lesser degree areas like health, education, youth policy and culture. (First Minister for Wales, 2003:1)

In the EEAC (NAW, 2004a) discussion of the NAW's scrutiny procedures, the European dimension was viewed to be most prominent in two subject committees: the Economic Development and Transport Committee, and the Environment Planning and Countryside Committee.²⁵ However, Committees themselves have limited powers. Initially expected to be decision-making fora, they now scrutinise Cabinet Ministers (formerly called "Secretaries"), legislation and have some powers of policy development through reviews and discussions (Lang and Storer 2003). In the current working arrangements the Assembly's executive powers are invested in the First Minister and the Cabinet.

It is the Ministers who lay proposals for secondary legislation, firstly to the Business Committee and then to the Legislative Committee who decide whether it should go on to individual subject committees, a plenary or be approved. In the first course of action, the subject committees can suggest amendments and the proposal then goes plenary where it can be passed, amended or refused. This system creates secondary legislation, which is sometimes needed to implement EC obligations, which allows the Assembly to influence EU policy-making at this late stage. Thus, power in this process is concentrated among Cabinet Ministers, then among subject committee members and finally among ordinary Assembly Members in the subordinate legislation process and in decision-making generally:

Instead of corporate, cross-party decision-making the reality was a much more centralised model of decision-making with Alun Michael [former First Secretary of the Assembly] in a key role. (Bulmer et al., 2002:106)

However, passing subordinate legislation to implement EC obligations has limited scope to shape policy as: a) regulations do not need to be transposed as they automatically take effect, b) sometimes uniformity is needed across the UK and the same legislation is passed in Wales or is passed for Wales by the UK government (although Mike German has argued this can increase Wales' bargaining power, Richard Commission, 2002), and c) margins for change at this stage are small (NAW, 2004a:1).

The NAW and WAG have a role to play in policy formulation and development. The NAW's subject committees are meant to consider and scrutinise European draft proposals with relevance for Wales but this often was "patchy" (NAW, 2003b:7). An exception to this was the structural funds debate having "been very comprehensive" (NAW, 2003b:7). Yet sometimes committees can run reviews and consultations, such as on the Mid-Term Review of the Common Agricultural Policy (CAP) reform, and feed into WAG and also the Department for Environment, Food and Rural Affairs that way. The CAP and Structural Funds are of extreme financial importance to Wales, being the largest EU programmes that Wales manages (WAG, 2002a). Wales also has different interests to the UK on these issues, thus their treatment reflects their importance to Wales. The subject committees are also meant to hold WAG Ministers to account, but this is problematic in EU policy-making since WAG Ministers are bound by confidentiality in formulating the UK line (Bulmer et al., 2002:99). The NAW has the EEAC, which is a standing committee that provides overall co-ordination on NAW-EU relations. The committee has a membership that includes Welsh representatives in the EU, and EU representatives in Wales as part of the "team Wales" approach to EU issues.

Concerning the role of the Ministers, WAG is able to influence EU policy through the UK government. WAG also runs consultations both for, and independently of, Whitehall departments on EU proposals (it may also do this on the implementation of EC directives). Most EU policy is actually dealt with by Whitehall departments, one taking a lead and consulting the WAG Cabinet,

usually firstly at official (i.e. civil servants) then at ministerial level, depending on the department concordat. If the administrations have difficulties in agreeing, then the Joint Ministerial Committee Europe (JMC(E)) is meant to act as a conflict resolution device and/or the Secretary of State may intervene (although the JMC(E) is steadily becoming an information forum – Bulmer et al., 2006:83). Sometimes the Cabinet Office takes the lead in important and cross-cutting issues, and here the Secretary of State for Wales (or the Deputy) represents Welsh views as mediated through an UK government minister. Once proposals are in draft, the lead Whitehall department will consult with devolved administration Officials to write an Explanatory Memorandum detailing the effects of any legislation, including any effects on Wales (NAW, 2003a:2). Thus, through this avenue the WAG can exert pressure. WAG can continue to press its perspective even when the UK line is decided, although it must abide by that line, through the UK government's United Kingdom's Permanent Representation to the European Union (UKREP) and the WAG's office in Brussels. At the Council of Ministers (the key decision-taking body at the EU) WAG Ministers can attend as part of the UK delegation.²⁶ WAG Officials in Europe can also sit on Council Working groups for the UK (NAW, 2003a:1). The WAG Brussels' office can furthermore have informal relations with the European Commission, informing the European Commission of the Welsh view, and has close relations with UKREP, being part of the same UKREP "family" (interview, civil servant, 2004).

Constraining factors are that Wales has a small policy capacity (Kay, 2003:54), few AMs, and the power of the Assembly government is relative to Whitehall (Richardson Commission, 2004:164). There is no legal requirement for the UK government to take on the Assembly's views, only recognition that it will make for better implementation and happier government (and a united Labour party) if views are taken on board. Even then as the situation with match funding at the start of the Assembly's life shows, relations are not always harmonious (see Royles, 2003:135-137). Moreover, internally there are different party alignments, with Welsh Labour aligning itself towards "old" Labour and desiring to be different to the UK Labour party. Such sentiments were symbolised by the First Minister's call for a "clear red water" in Swansea in December 2002 (for the coverage of this speech see Shipton, 2002) which may

also present an opportunity for civil society groups in Wales. It can be argued the UK government's involvement of and acquiescence of some of the devolved administrations demands is merely an expedient measure to limit calls for further to curb devolution and nationalism (interview, UK civil servant, 2004). Bar this, the Assembly has very limited scope to influence the UK, with most of the bargaining chips on the UK side, as demonstrated by the few Wales-only bills passed by the UK parliament (presently four, with four in the pipeline):²⁷

Wales is at best low on the legislative radar of Westminster. (Jeffery, 2004a: 3)

Wales also has other links to the EU, through the CoR (two AMs and two local councillors are representatives) but this body only has advisory status and is not treated as having serious weight in the EU policy/legislative process (for example Greenwood, 2003a:65). Another important avenue for Welsh influence is through networks of regions, and via this route Wales can have a different policy to the UK Member State. In effect, regional associations are subject to the same constraints as other interest groups seeking to influence the EU policy process.

Nevertheless, the Assembly does play a role in EU policy, with different parts of the Assembly being involved in different stages of the policy process. Across the board, it is notable that the WAG is more important as opposed to the rest of the AMs. Not to be overstated, this is constrained by the need for consensus (a key part of devolution was that it was to operate differently from the Westminster model and in Wales the small majority in favour of devolution means actors have to be kept on board) and coalition government (until the 2003 election), and AMs can also ask questions in plenaries and force amendments. Assembly influence is further considerably hampered by time and resources as there are only sixty AMs, many of whom have several committee duties, thus limiting time devoted to "European" issues. Furthermore, the UK government is the most important avenue for the Assembly to influence the process (Thompson, 1999); however this influence is far from guaranteed, with the Assembly being very tightly nested into the UK.

United Kingdom institutions

Wales' involvement with Europe does not begin and end with the Assembly (Clifford, 2002:44)

What we need in Wales is a clearer understanding that the Government of Wales Act 1998 set up a legislative system in which both the National Assembly and Westminster play a role. If pressure groups wishing to influence policy fail to recognise this, they fail to pull the correct levers to influence the political process in Wales. (Memorandum submitted by Ian Lucas, Evidence 87 House of Commons, 2003:117)

The above quotes direct attention to the importance of the UK context to Wales generally and the first quote specifically to EU policy. Highlighted is the role that Wales/the WAG can play in the British context and also recognition that Welsh civil society groups can go directly to the British arena. Therefore the role and importance of the different part of the British institutions in EU policy-making must be considered in order to understand the opportunities for CSOs in Wales to influence this arena. What will now be explored is the British procedure for attending to EU policy, identifying opportunities, key actors and the power of the UK governmental machinery in this EU process.

Member State governments have more involvement in some EU policy areas and procedures than others. The main institution for Member State involvement is the EU Council of Ministers, which has various working groups and tiers of Officials from Member States including the UK. This has the power to make decisions about whether to amend or proceed with a policy, but in practice Member States will have been consulted before the policy was being formulated (Nugent, 1999). The Council can also initiate policy by means of Article 208 where it can ask the European Commission to examine policy areas through its European Council; and when a Member State gains the Presidency, it can steer the EU's overall policy direction (Nugent, 1999). Co-decision has limited the power of the Council of Ministers, by dividing its decision-making role with the European Parliament. UKREP deals directly with the European institutions, particularly the Council of Ministers.

There are other British representatives in Brussels, on the EU's ECOSOC (two of which live in Wales) and the CoR. The Foreign and Commonwealth Office (FCO) select these representatives, but the devolved administrations are

asked to nominate representatives for the CoR. Briefing is also carried out by the FCO to British MEPs, ECOSOC and CoR members. British influence in the EU is aided by being a large Member State, but obviously limited by other Member States (creating some nesting), new EU procedures such as co-decision, the need for compromise and the decline of the Member State veto with many decisions made on the basis of qualified majority voting (QMV) rather than unanimity.

UK civil servants view UKREP, FCO and the Cabinet Office as the “golden triangle” in EU affairs (interview, UK civil servant, 2004). Thus, in Britain, it is the European Secretariat Cabinet office together with the FCO that takes strategic overview, and the Secretariat acts as a co-ordinator by bringing together differently affected departments and highlighting issues to Ministers through a system of cabinet and official committees (Spence, 1993). The FCO is involved as the “post-box” (Spence, 1993:61) of all EU correspondence and on the day-to-day running of EU issues. The FCO’s parliamentary relations and devolution department briefs the devolved nations and now has a Partnerships and Networks Development Unit. The Whitehall department whose area the particular EU policy falls under discusses any implications with the European Secretariat Cabinet and then is kept in the loop by their minister’s involvement. Thus, in the Westminster political system it does appear that the executive and civil service are the key players in British engagement in EU policy-making. Tony Blair’s increasingly presidential style of government and the importance of European Councils in setting EU orientation aids executive control (Bulmer and March, 2003); executive power should not be overstated, as Rhodes (1997) argues that the UK is moving away from the Westminster model to the differentiated polity model where policy communities of a range of actors arise around specialisations.

Westminster too has a role to play in the EU process, albeit confined mostly to scrutiny. In the House of Commons, the European Scrutiny Committee (ESC) meets once a week to sift EU policy proposals and white papers prior to their being sent to the Council of Ministers. The ESC then can choose to send them to specific EU committees to assess and debate in detail the political and legal importance of any documents (Hood, 2002). It also receives all Whitehall intelligence and can question Ministers. Bulmer et al. (2002:73)

describes these as strong procedures in comparison to other EU governments.²⁸ Westminster possesses a scrutiny reserve whereby the UK government cannot agree to a proposal until it has been satisfactorily scrutinised by the Commons committees. However, one MP pointed out the limits to the ESC's influence in that firstly, with co-decision agreement can be reached at an early stage secondly, on the scrutiny reserve the government does not need to take on its concerns, and finally the general stage at which the Committee receives EU policy "is sort of, you know, trying to shut the door once the horse has bolted" (Interview, MP, 2004).

The House of Lords runs a similar scrutiny method where documents are sent to sub-committees for further scrutiny. The House of Commons is furthermore responsible for scrutinising the implementation of EC obligations and passing EC legislation. The House of Commons is a member of the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), but apart from this they have little direct access to the EU institutions. However, as Wales still retains MPs, the views of civil society groups in Wales could be fed through these representatives to the House of Commons' EU committees. Finally, implementation of EU policies is also the prime responsibility of the lead Whitehall department with the European Secretariat and FCO taking oversight. Welsh potential impact at this stage is limited because some directives need uniformity across the UK, which means that the UK is the arena to influence regarding the implementation of some directives.

European Union institutions

Which are the key avenues/institutions for influencing EU policy-making at the European level? The answer to that question depends in part upon how the European construction is viewed: as a supra-national body or an inter-governmental club of states. Nonetheless, common features about the policy process can be discerned. Broadly conceived, the European Commission is responsible for drawing up proposals and overseeing the implementation of EU policy:

For this reason it is target for everyone who wants to influence the content of policy. (Wallace, 2000a:15)

The proposal stage is central to influencing the shape of policy, as Hull (1993) estimates that after the proposal stage the scope for change is only around 20%. However, the European Commission is constrained by needing to take on board the concerns of many actors. This is because the European Commission has to consider the Council and/or the EP's reactions, as legislation has to be approved by the Council and/or the EP. Further considerations are the ability of proposals to work across European Member States and the perception of the European Commission as having a legitimacy deficit because it consists of unelected Officials:

Policy initiation in the European Union is a multi-actor activity ... the Commission holds the pen but is subject to pressures from many actors. (Hooghe and Marks, 2001:14)

The European Commission also has an Office in Wales, primarily responsible for monitoring and awareness-raising, as it is part of the European Commission it does present an avenue for policy influence (interviewed policy-makers testified to this). Under certain EU procedures the ECOSOC and the CoR may also be consulted and requested to produce opinions, but these opinions are not binding and the institutions are perceived as lightweight European bodies. These institutions are restricted by the availability of other EU avenues to their members (Nugent, 1999: 284-8).

Proposals then fall to the EP, which is a co-legislator with the Council in co-decision. During this procedure the EP can force amendments or refuse legislation (in all other procedures the Council is required to consult the EP on its common position and in the co-operation procedure it can suggest amendments). EP committees are central to the EP and study policy areas in depth. This careful policy examination, combined with EP veto-power in co-decision, makes it hard for the Council to completely disagree with the EP. The EP's elected mandate increases its policy negotiating power, although low European election turnouts question MEPs' representativeness. Indeed, the EP may prefer to amend rather than block legislation in order to get something passed, reducing its power (Dodd, Ware and Weston, 1997).

The Council of Ministers has already been discussed with respect to the UK. However, the power of any one Member State has been reduced by QMV and the norm that the Luxembourg Compromise (Member State veto) should not be used, thus Member State Officials must build up coalitions to block or promote policy (Mazey and Richardson, 1993a). Equally important is the fact that many of the Council of Ministers' decisions are made in working groups of Officials and do not reach ministerial stage (Wallace, 2000a: 17-8).

The European Court of Justice (ECJ) is another avenue for influence as it can sanction Member States' failure to implement EU legislation. An additional aspect of the EU policy process is that around particular sectors and policies arise policy networks, with appropriate rules of behaviour (Kochler-Koch, 1999), and this also plays a factor in structuring opportunities.

Summary

This review of the procedures and legal workings of the EU policy process identifies several avenues and key actors for civil society influence. Some are more significant than others, but with a degree of nesting to be found among all of them with no institution or actor being completely autonomous. The Assembly has a role throughout the policy-making process, but ultimately the significance of this role rests in the hands of the UK Member State. Here, Whitehall departments and Officials are pivotal in EU policy-making. Yet particularly with co-decision one Member State cannot control outcomes alone. Among the European institutions the European Commission is especially important in shaping policy and is susceptible to outside interests. The role of the different political institutions and actors also vary with the policy stage, with the proposal stage with the most potential for policy impact. The procedural aspects of the POS demonstrate that the EU policy process is a multi-level POS. However, the political institution a CSO chooses to engage with on EU policy also depends on the civil society group at hand, their aims and also how much space an institution and its actors accord civil society groups. Thus it is to interest group relations and institutional discourses that the discussion now turns.

Institutions' relations with interest groups

Welsh institutions' relations with interest groups

There has been little research conducted on civil society in Wales post-devolution and the EU. Therefore, this discussion will concentrate upon general Assembly-group relations, with reference to the European dimension where possible, as this will set the general context for Assembly-group relations. It is logically expected that Wales will be an important arena for CSOs in Wales on EU issues, for commentators conclude that Welsh groups following devolution have transferred their policy lenses from Westminster (evidence given by Ian Lucas to the House of Commons, 2003; Loughlin and Sykes, 2004:1). This is reinforced by Kriesi's (1995:170) view that decentralisation increases groups' access to the political process. However, as EU policy is not devolved to the Assembly there is a high degree of institutional nesting, resulting in less scope for groups to influence the Welsh institutions on EU policy. This chapter will more fully explore which expectation prevails.

The Assembly has a statutory duty to consult with local government, business and the voluntary sector in the name of partnership, further encapsulating the Assembly's uniqueness. This duty is partially fulfilled through partnership councils. Thus, structures and legalities echo (or create) the Assembly's conception of civil society as encompassing public, private and voluntary sectors. These partnership councils will now be discussed in turn.

It is discernible that from the outset, among the Government of Wales Act and partnership council founding documents there is less discussion of the Business Sector Partnership Council (BSPC) as opposed to the VSPC and the Local Government Partnership Council (LGPC). This suggests that the BSPC has less of a role to play than the other two. The plans for local government are the most extensive; both in the LGPC and the VSPC there is discussion of shared principles. With the BSPC there is a sense of a slow start, as testified by business being unprepared for devolution (Thomas, forthcoming). It is only when the framework plans for the council is developing that a Business Wales forum emerges. In all three of the partnership councils there is an acceptance that much of the duty to consult will occur outside of the partnership councils, through day-to-day contacts and other fora. The partnership councils instead will

monitor the statutory duty and bring up issues of general concern. However, the LPGC also has working groups, where Assembly and local government Officials consider policy matters in detail (this is however not binding, NAW, 2004b:16).

The BSPPC includes representatives of business organisations, trade union representatives and social economy representatives who have a legitimate interest in business across the board. In practice these consist of Wales wide networks. Nonetheless, there are arrangements to engage with local businesses through regional economic fora and the regional committees. This is however cast in the dark shadow of the Assembly's regional committees' unrealised promise as they have had limited ability to contribute to policy and have not removed the perception "that the Assembly is biased in favour of Cardiff and the south east" (Richardson, 2003:235).

The Voluntary Sector Partnership Council is kept in check by a yearly review of the scheme. Recently the Jones Commission (2004) carried out a review of scheme and highlighted that voluntary groups are concerned that the VSPC was viewed as *the* forum to consult the voluntary sector and therefore the statutory duty is fulfilled. Local groups in the review were also being depicted as being on the margins of the VSPC and often not aware of the scheme. This finding is backed up by research conducted by Hodgson (2004:91). Twenty-one sectoral networks, set up by the WCVA, are intended consult smaller organisations.²⁹ The review found this network consultation wanting, with local groups often being in the dark about policy and the voluntary sector scheme. This corresponds to the forthcoming discussion on institutional discourse, which places an emphasis on large bodies. Positive sentiments were issued overall by the review:

There is now a greater quantity and higher quality of dialogue at all levels, from strategy to policy development and service delivery. Greater mutual trust, based on more understanding of each other's needs and constraints, has begun to lead to greater effectiveness on the ground. (Jones Commission, 2004: 30)

However, this stands in stark contrast to Cole's (2004) more negative findings on the other councils:

Insiders criticised the superficial character of this neo-corporatist ambition. Businesses resent the Assembly's demands on its time and perceived its influence over policy to be limited. Local government suspected the Assembly of aggrandizement at its expense. Only the voluntary sector was positive. (Cole, 2004:359)

These criticisms must be placed in context of Loughlin and Sykes' (2004:3) argument that business has lost special treatment enjoyed with the Wales Office and local government's power relations with the Assembly. These criticisms may however suggest that within civil society as perceived theoretically that the voluntary sector is key.

The European dimension receives varied coverage within the Partnership Councils. A brief search of LGPC 2001-2004 documents for explicitly European content revealed that there was some limited discussion of the EU in the areas of best practice of working time directives, UK consultation of implementing EU employment and race directives, funding and partnerships, derogation of EC rules and European Social Funds at the time of Foot and Mouth disease, and transport. These instances represented a small amount of local government partnership council's work. The BSPC had the most extensive coverage of European issues. A review of its 2001-2004 documents revealed substantial discussion of the European Structural Funds, mainly regarding business involvement in the 1/3s partnership principle, but also in the mid-term evaluation and review. There was some discussion of CAP and of EU regulations as they affected particular programmes. Finally, there was a paper and discussion on the imminent introduction of Landfill Directive in 2004. The VSPC, like the LGPC, has few references to European issues. When the EU has come up, this has been concentrated on structural funds (with regards to capacity building, country voluntary council partnerships, request for a report on EU structural funding, and progress of a particular fund) and these were generally discussed in reference to other issues. This is worrying, given the Jones Commission's warning that there was "a danger of the VSPC being perceived as the sole forum for voluntary sector issues" (Jones Commission, 2004:95). This warning does seem to be the case for European issue as earlier in 2002 Tom Jones, Chair of WCVA, suggested that VSPC discussion could be "transferable to the EU and its

institutions” (WAG, 2002b:12). This suggestion has evidently not been taken up by the VSPC.

Where else does civil society group-Assembly interaction occur? There are several locations, including formal consultations by subject committees and/or WAG, attendance at subject committee meetings, working groups, task and finish groups, monitoring committees, forums and seminars. Stakeholder groups to develop policy seem to be becoming more common and in the main consist of well known, Wales-wide groups. Informal contacts with groups and Officials and AMs also exist and as Betts, Borland and Chaney (2001:65) suggest, these may also be pivotal. The voluntary sector scheme review revealed that there was no uniformity in relations among Assembly divisions (i.e. the departments) and the voluntary sector, with the Assembly divisions using “mailing lists of 50 or more voluntary organisations to the use of WCVA only” (Jones, Commission, 2004:62).

Culturally, the concept of Assembly is bound up with such frames as inclusivity and partnership. Indeed, evidence points to a culture change in Assembly-groups relations, with groups enjoying more open and accessible government. By the same token, limiting factors are present as to whether this partnership equates with influence (Nicholl, forthcoming, discovered that groups found it easier to get issues on agenda than to influence policy). Larger groups’ or stakeholders’ engagement is stressed as much as general public participation in the NAW (Hazell, 2003:287), reducing the suggested community involvement inherent in the NAW conception of civil society (see this chapter, last section). There is a further difficulty in the conundrum facing many groups, whereby they are lobbying the hand that pays for their group’s existence (Drakeford, forthcoming). In the first year of the Assembly, Fevre and Chaney (2000) also raised concerns that dissension and debate were discouraged, with consensus being the rule of the day, limiting divergence.

How much of this interest group-Assembly relations is transferable to EU policy? Firstly, as Loughlin and Sykes (2004:5) note, “Cardiff has become the most important reference followed by Westminster and Brussels”, while Europe is several places away geographically as well as on the agenda. European Union funding is in a different situation, with the NAW evoking the 1/3s principle of partnership (of public, private and voluntary/community) in structural funding

programmes and also on monitoring committees (Royles, 2003). The voluntary sector is involved this way, as is the business community (although Royles, 2003, contends the public sector is still *de facto* in charge).

On other EU policy issues it is up to the individual subject committee and/or Minister. However, cross-cutting European issues are evident in discussions of the Euro and enlargement, where the NAW set up a preparation committee for the Euro and a working group on enlargement. The membership compromised some of civil society in Wales, who were Wales-wide organisations from the public, private and voluntary sectors. The Euro Committee included Confederation of British Industry (CBI) Wales, Farming Union of Wales, WCVA, Welsh Consumer Council, Wales Development Agency (WDA), National Health Service, Welsh Language Bureau, Wales Tourist Board, Wales Local Government Association (WLGA), Wales Trades Union Congress (WTUC) and a few others. Suggested membership of the enlargement group covered similar territory compromising Elwa, Higher Education Wales, WDA, the Federation of Small Businesses, the CBI and the WCVA.

It was expected that public, private and voluntary sector involvement would be harnessed on generic European issues through the Wales European Forum (WEF) which would also include Welsh European representatives. This group met in 2000, 2001 and in February 2002 to discuss European governance.³⁰ The WEF importantly was part of the “ ‘all Wales’ approach to EU policies” (WAG, 2002a:1). The convening of the WEF in February 2002 to discuss the European Commission’s White Paper on Governance (for more information see WAG, 2002b) is a pertinent example of how Wales would deal with EU issues without the confidentiality and strictures entailed by maintaining the UK line. The EEAC invited seventeen organisations to submit written responses as consultation on their European Governance approach. These organisations encompassed many of the groups mentioned in the above working groups. The WEF continued this pattern, having in attendance from the NGO/media sector: WCVA, Age Concern, WTUC, Welsh Centre for International Affairs, Institute of Welsh Affairs and BBC Wales (interestingly no explicit “business” representation). This means that in this instance

governmental access was structured, made exclusive and restricted to those organisations who the state wished to invite.

There was also an emphasis on partnership through European representation via the WEC, a collection of mainly Assembly Sponsored Public Bodies (ASPBs), universities and some large voluntary groups. WEC engaged groups and delivers information to them on European policy/legislation.

In terms of whether this situation evokes corporatist or pluralist relations, the picture is mixed. The partnership council structures as Cole (2004: 354) and Chaney and Fevre (2001:38) comment evoke neo-corporatism as they formalise and rein in civil society groups' participation. These councils also have a degree of hierarchy, with groups representing their whole sector. However the Assembly is seen to have opened up access to groups since the Welsh Office (Chaney, 2002:29), increasing pluralism. Although Nicholl's (2002: 19) stakeholder survey on civil society discovered that on "whether CSO have good access to the legislature ... [s] lightly more respondents gave a negative reply to the question than positive". With respect to cross-sector EU policies, it does appear that the Assembly does restrict, whether out of concerns for efficiency, or practical realities, civil society participation to a few well-known large groups again conjuring up corporatism. Nonetheless, on more specific policy matters, the Assembly's hallmark of accessibility may be evident. It is hard to discern the extent to which groups transcend consultation to become full decision-makers. However, many of these CSOs involved in the WEF and Assembly working groups are also engaged in the practical administration of Structural Funds policy and are "partners". Moreover, the Assembly funds many of these groups which reduces their independence from the state. For example the Assembly funds the WCVA and helped to finance a Wales Social Partners Unit between Business Wales and WTUC to monitor the Assembly.

United Kingdom institutions' relations with interest groups

Civil society groups in Wales have two options when it comes to the British political arena: a) get involved themselves, or b) get involved with networks/partner organisations at the British level.³¹ The first option may be tricky if there is a decidedly "Welsh" policy articulated by groups on a devolved issue, in which case Whitehall departments may expect such representations to

be delivered and mediated through the Assembly, even on reserved issues. The first option is also problematic in the conclusion of a compact concluded between the UK government and the voluntary and community sector in England. There are best practice guides and arrangements for consultation by Whitehall departments but this is among English groups, not Welsh ones, as remarked upon by the Jones Commission (2004) review of the Welsh voluntary sector scheme:

There is currently no formal relationship between the UK government and the voluntary sector in Wales on non-devolved issues. Whitehall departments are not therefore under any obligation to engage with the voluntary sector in Wales on policy issues affecting it. (Jones Commission, 2004:41)

Thus, option b may be the only solution and this author will focus upon the experiences' of UK groups in general. The voluntary sector compact suggests that voluntary organisations should be consulted on issues affecting it, but as Burt and Taylor (2004:72) comment, there is great variation on its use. Yet Labour has increased consultation with the third sector and been keen to harness groups in partnership "all of which draw voluntary organisations into complex policy communities intersecting national, regional and local levels." (Burt and Taylor 2004:73)

However, is this the case in the area of high politics of the EU? Indeed, as Spence (1993) describes the UK government/civil service-EU machinery, it is evident that interaction is meant to occur at Whitehall department level, although he reserves UKREP desk officers with special lobbying status so ensuring "much of the machinery is inaccessible to private sector lobbyists" (Spence, 1993:68). Thus, arrangements at the British level depend upon existing relationships with Whitehall departments and their engagement in policy communities/networks. In a review of the FCO's stakeholders in late 2002 among the "other" group some organisations did not feel they had much impact on proposals and that the FCO deals with a few select groups/individuals (Jackson and Hoyller, 2002).

Yet Richardson (2000) recognises that whilst stability is prevalent in many of the EU's low-key, technocratic issues, the EU actually creates instability in interactions between groups and policy-makers and so disrupts policy communities. Indeed Richardson (2000) points out that as the EU and its

institutions increase in power, groups are steadily reorienting their lobbying efforts from the national government towards the EU institutions themselves. However, in contrast, Statham and Gray (2004), when looking at the claims made by British actors on Europe, see the British debate as dominated by elite actors with civil society groups not substantially engaged:

This shows that for the moment at least British civic actors see Europe as an issue of national concern to be dealt through the normal channels of interaction with the national government, rather than as a new relationship to a supranational polity. (Statham and Gray, 2004:22)

Such findings have some resonance with Reilly's (2004) examination of responses to the European Commission's WPG, where he reveals that the UK government's response is silent on the role of broad civil society in European governance:

No reference is made to civil society in the UK government's response, the exception being that 'consumer and business representatives should be fully consulted' (UK Government, 2001:annex). No mention is made of the use of either existing civic forums in the UK or the role that regional assemblies in the UK can provide as channels with wider civil society. (Reilly, 2004:143)

This suggests that although the UK government under Labour may have enhanced consultation with civil society groups generally, on European issues economic groups prevail, as outlined in the institutional discourses (see Annex One). Instead, civil society in Britain is extensively involved in implementing and devising EU funded projects (Etherington, 2002). Their role appears more confined to service-provider than advocate, and suggests the UK conception of civil society is confined to community politics, and rather more restrictive in EU policy. Indeed Fairbrass and Jordan's (2002) study of EU policy in the field of biodiversity and landplanning and UK environmental groups shows the difficulties new groups face in influencing EU policy. In this case, UK environmental groups went to the EU level in order to effect change because of difficulties they faced in accessing closed policy communities in the UK; while the smaller environmental groups worked through their British parents and/or networks.

Due to the centralised nature of its policy-making the UK is seen to exhibit fairly pluralist relations with interest groups (Porta, 2003). Access is however hard to gain in EU policy-making, as much of the machinery is not public and is particularly difficult for groups in Wales. This limits the extent of group's involvement but increases the notion that pluralism is present, particularly as there are no formal partnership structures like the councils in Wales. However, the UK government appears to be selective concerning the groups with which it engages on EU issues, indicating some corporatism.

European Union institutions' relations with interest groups

The EU encompasses many venues and working arrangements. This is similar to the other levels of government in that there is no one pattern of civil society-institutional interaction; instead, the EU policy process is characterised by uncertain outcomes (Greenwood, 2002:24). This has been further complicated by the expansion of the EU, making it hard for arrangements to bed down and stabilise. However, as groups "are the 'natural constituency' of the European Commission in particular" (Greenwood, 2003b:2), the European Commission is the site of much interaction, with the European Commission dependent on groups for information, support and legitimacy. The European Commission even as far back as 1993 favoured Euro-groups (Mazey and Richardson, 1993b:v), yet as Mazey and Richardson (1993a:22) point out this was not realisable in practice, because Euro-groups were short of resources, reactive to proposals and slow to react due to differences in members' agendas. It is questionable to what extent this still remains the case, as European groups have burgeoned and the European Commission set about creating such groups over the years. Indeed, the European Commission has created a database of Euro groups and a code of conduct for working with them. The European Commission generally is perceived as being very open to groups (Richardson, 2000:1015), particularly to those who can follow and feed into the process with relevant information (Mazey and Richardson, 1993b).

National/regional groups can make inroads with their specialist knowledge of the situation on the ground, together with their role in implementing EU programmes. The European Parliament is amenable, particularly to public groups, and recently business/producer interests have made

some headway (Greenwood, 2003a:63). Environmental, equality and human rights groups have also used the ECJ to good effect to secure implementation at the domestic level (Mazey and Richardson, 1993a:15). However, Warleigh (2001:630) found that national groups concentrated their EU work on national actors and instead small NGOs in effect contracted out EU work to European umbrella organisations.

The type of group engaged and favoured at European level may be changing as EU powers grow, but the private interests of business are still seen to be the pivotal players (Grant, 2000). Civil dialogue to accompany the social dialogue is an indication that public interests of NGOs may be gaining ground with a potential change in culture following the WPG (Greenwood, 2002:27). Yet such dialogue has no legal status. Rucht (2001) in his study of the environmental sector perceived certain kinds of behaviour as being more appropriate when dealing with the EU. In this case lobbying was more effective than protest. Equally, consensus is the key to co-operation among participants (Wallace, 2000b). Much policy interaction depends on informal relations as Helfferion and Kolb (2001:148) find in the case of the European Women's Lobby. Moreover, frame match with policy-makers and the nationality of any policy-maker are also important in shaping civil society's interactions with political institutions (interview, civil servant, 2004; Ruzza, 2002). Groups can also be involved in committees linked to the Council or the European Commission and the European Commission may run consultations.

The EU can be perceived to have some elements of corporatist relations with interest groups. In particular the presence of the ECOSOC (consisting of membership among largely peak economic groups), the social partnership and interest group membership of European Commission committees backs up this view. However, Michalowitz (2002) views EU policy-making as having corporatism and pluralism in different stages of the process and under different procedures, with the European Commission in particular being open but at the same time structuring and limiting participation.

Summary

The EU policy process from Wales to the EU consists of many inter-dependent avenues and institutions. The high degree of nesting of Welsh institutions

Figure 5.1 Summary of key actors, strategies, accessibility and drawbacks of the different governance levels for Civil Society Organisations

OVERARCH STRATEGY - WHITE AVENUE			
Involved early and throughout the process			
Different institutions different styles			
Establish group specific strategies			
ASSEMBLY			
<i>Actors</i>	<i>Strategies</i>	<i>Accessibility</i>	<i>Drawbacks</i>
<ul style="list-style-type: none"> • Assembly Ministers • Officials • Relevant Committee AMs 	<ul style="list-style-type: none"> • Day to day/informal contact • Participate in formal fora • Contribute to consultations • Implementation stage • Key issues CAP and SF 	<ul style="list-style-type: none"> • Fairly accessible and open 	<ul style="list-style-type: none"> • Lack of power in EU policy-making • Tightly nested with the UK government • Wales-wide CSO preference
UK			
<i>Actors</i>	<i>Strategies</i>	<i>Accessibility</i>	<i>Drawbacks</i>
<ul style="list-style-type: none"> • UK Ministers • Officials (UKREP, FCO and Cabinet Office) • Relevant Committee MPs 	<ul style="list-style-type: none"> • Utilise and build existing relations with Whitehall departments 	<ul style="list-style-type: none"> • Less accessible • Much of machinery is private • Closed policy communities 	<ul style="list-style-type: none"> • No formal relations with Welsh groups on non-devolved issues • Economic issues may prevail • May expect input to be channelled through Assembly
EU institutions			
<i>Actors</i>	<i>Strategies</i>	<i>Accessibility</i>	<i>Drawbacks</i>
<ul style="list-style-type: none"> • European Commission Officials • UK Officials • MEPs • European Commission Office in Wales 	<ul style="list-style-type: none"> • Frame in policy-makers language • Provide relevant timely information • Consensus • Conventional forms • Participate in committees and consultations 	<ul style="list-style-type: none"> • Supranational institutions Fairly Accessible 	<ul style="list-style-type: none"> • Commission preference for Euro-groups

suggests that civil society will have narrow margins for influencing change purely through Welsh institutions. Whilst decentralisation has created greater access overall for civil society to influence Welsh institutions, it appears that on purely EU issues there may be an exclusive cohort of key groups. Institutional and actor inter-dependence points to the importance of multi-avenue approaches by groups and the need to get involved in EU policy-making early on. The different relations among institutions, and civil society, together with their discourses, also suggests different strategies may be needed to deal with individual institutions and that groups may be implicitly excluded from certain arenas. In particular, Welsh groups may face obstacles to accessing parts of British and European institutions. Informal considerations as to where British and Welsh institutions/policy-makers believe it is appropriate for groups in Wales to engage, in the absence of any clear rules/structures in the UK, may also be important. On the other hand, the multiple access points in the POS also suggest that a range of routes among groups wishing to influence the EU policy process as well as being desirable *may be possible*. By discussing the procedures for dealing with EU policy it is hoped that the most pertinent institutional actors, as well as strategies and timing, will have been identified (see Figure 5.1) and that this will serve to inform the following discussion on where civil society groups in Wales actually engage in EU policy-making.

THE EMPIRICAL FINDINGS: CIVIL SOCIETY IN WALES AND EUROPEAN UNION POLICY-MAKING

This section analyses the interview evidence to identify the role that the civil society in Wales plays in EU policy-making generally.

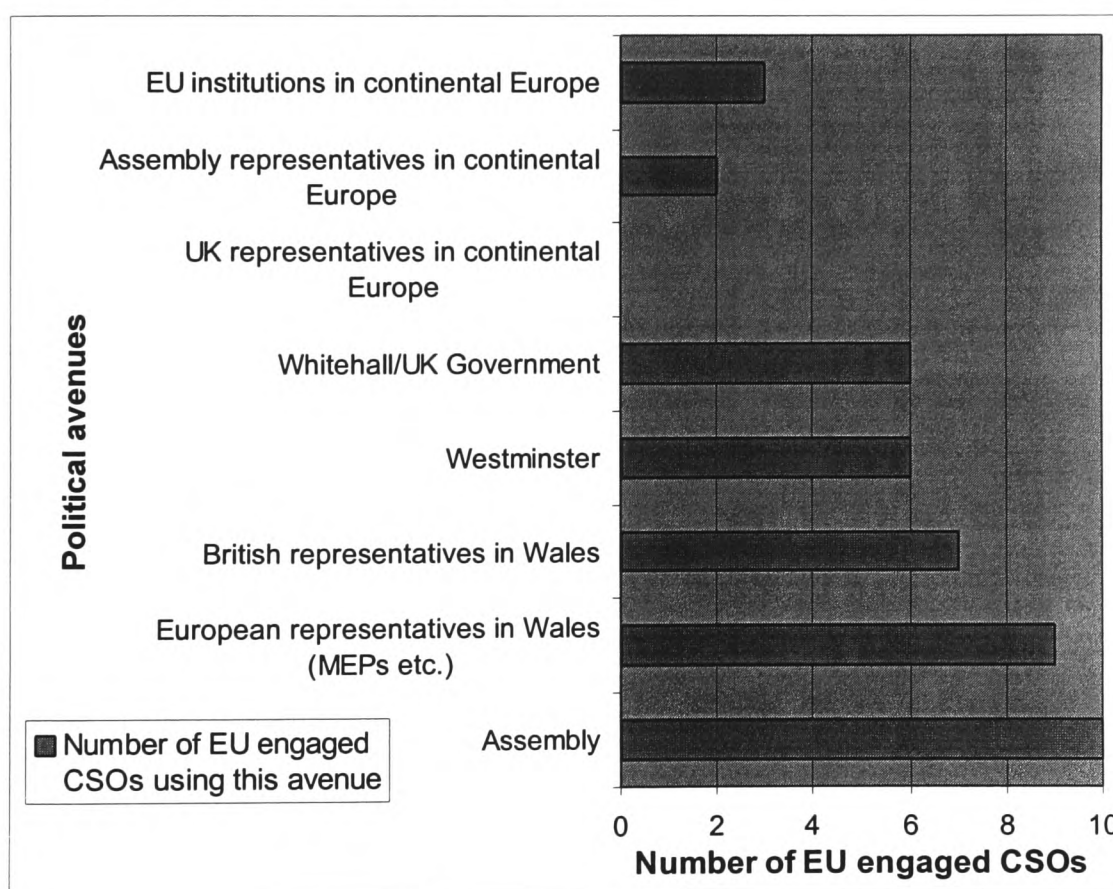
Where is civil society involved in European Union policy-making?

As the last section described, CSOs in Wales have a number of options by which to participate in EU policy-making. This next section will focus primarily on two. Firstly, CSOs can deal directly with political institutional actors, and secondly, CSOs can feed their thoughts to their parent groups and parent networks. These channels are focused upon as they are the chief ones mentioned by CSOs in interviews and any other channels are further explored in the section on strategies. Thus this section will outline the CSO's use of each avenue in turn.

Political avenues for Civil Society Organisations to participate in European Union policy-making

Figure 5.2 summarises the political routes that the CSOs used generally, as discerned from interviewees' discussion of EU policy-making and through available secondary literature. The particular political institutions/actors that CSOs interact with depend on the issue at hand and will therefore vary. This section instead summarises CSOs' participation generally.

Figure 5.2: The political avenues through which Civil Society Organisations engage in European Union policy-making³²



Political avenues: the Assembly

As Figure 5.2 demonstrates, CSOs have most interaction with the Assembly; that is with the Assembly's politicians and Officials. These findings lend some weight to the argument of a civil society centred on the Assembly and also demonstrate the Assembly's impact. Secondly, this finding concurs with Loughlin and Sykes' (2004) conclusion that groups in Wales post-devolution

have switched their policy lenses to Wales. Significantly, bar one, all the groups with direct EU policy-making involvement are large Wales-wide groups (matching the practical component of the Assembly's discourse on "civil society"), with many of them being involved in the Assembly European initiatives discussed in the last section.

Much of the CSOs' interaction with the Assembly was based on formal relations, for example contributing to consultations. CSOs, particularly Wales-wide, Cardiff-based groups, also highlighted the significance of informal activities with the Assembly; for example, meeting politicians at events. These CSOs painted a picture of a close-knit Welsh political community:

I mean Wales is relatively small and so you know go to these sort of events and you will come across the politicians and in fairness you get the opportunity to talk to them. (Interview, intermediary group, 2003)

The engaged CSOs also recognised and worked within the Assembly's POS. This is evidenced by all the CSOs involved in EU policy-making³³ bar one, who identified the need to speak to key actors within the Assembly; that is the relevant Ministers and Officials, the Committee Chairman (as he was deemed to have influence over the Minister) and the political party subject spokesman. Moreover, interviewees confirmed the assessment of this part of the POS in earlier in this chapter, that the Assembly was accessible.

Other political avenues

Figure 5.2 also demonstrates the importance of location, with more CSOs engaging with British and EU representatives and Officials in Wales, than in these representatives' institutional homes in London or in continental Europe. Nonetheless, the participation of three CSOs across the Welsh, UK and European Union arenas indicates that some groups are aware of the multiple avenues for EU input (whether these are the groups more affected by the EU will be discussed later in the chapter). Equally, the presence of an additional three groups who participate in EU policy-making via the British as well as the Welsh political spheres, demonstrates that these CSOs have not forgotten the magnitude of the Member State in EU policy-making.

There were further differences within the political avenues used by CSOs, notably the type of actors with whom CSOs had interaction with; for example, contacts with European representatives in Wales consisted mostly of MEPs. Very few groups knew about, let alone had any involvement with, the CoR or the ECOSOC. CSOs moreover had considerably less involvement with MPs as opposed to the Assembly on European issues. Regular interaction with Whitehall departments/Officials was also rare, and confined to a few well-organised groups.

CSOs also interact with European representatives in Wales on awareness-raising European issues, which are not strictly part of the formal policy-making process, but may be a tangential route for informal limited influence. Equally, European representatives in Wales may have informal contact with Welsh groups on “non-European” issues, which may indirectly affect EU policies.³⁴ Finally, Figure 5.2 conceals the fact that individual members could and did have contact with European Welsh representatives on European Union issues independently of their CSO. This was the case in two CSOs: the environmental group and the international group.

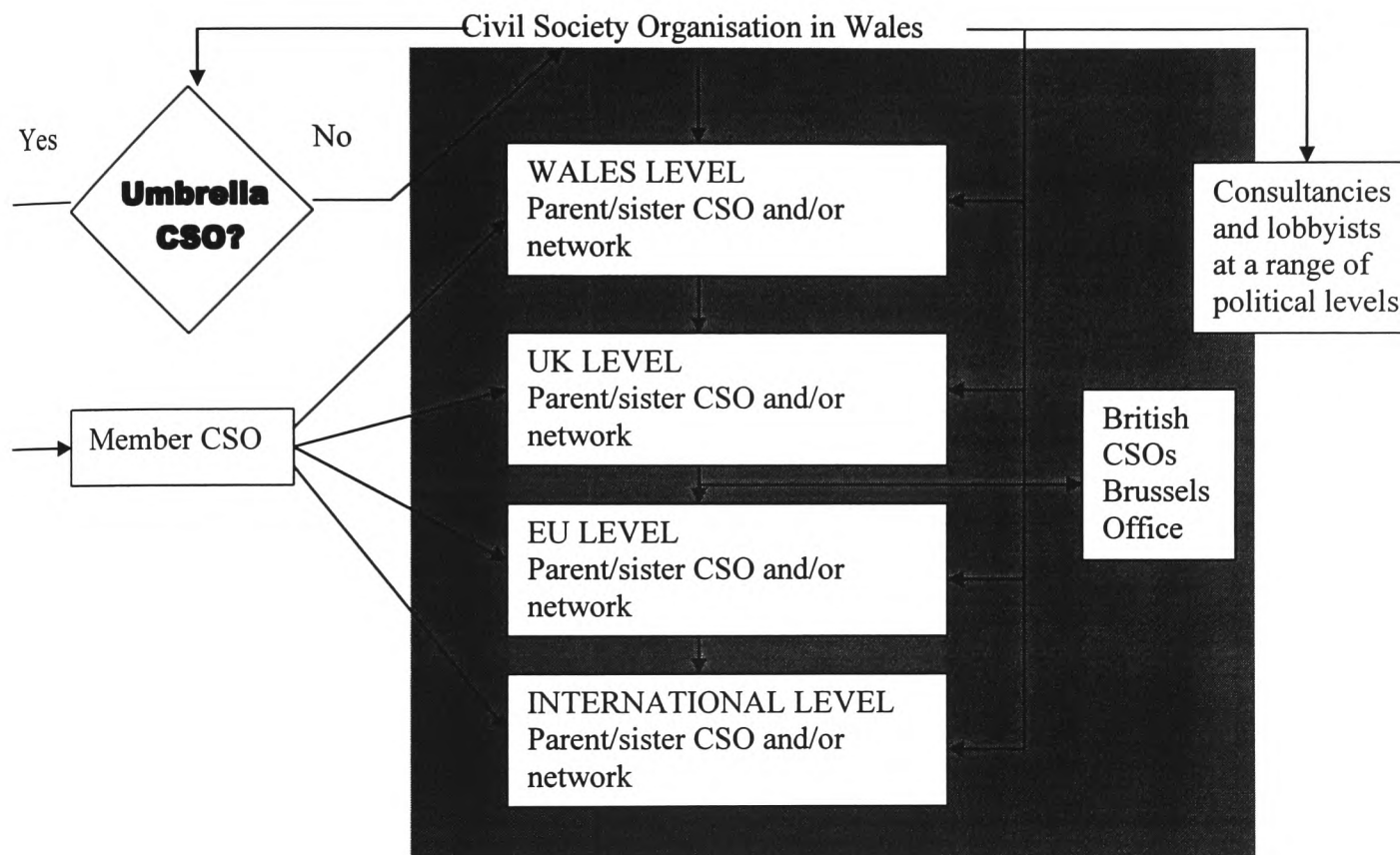
Civil society avenues for Civil Society Organisations to participate in European Union policy-making

There are number of civil society avenues that CSOs can use to participate in EU policy-making (see Figure 5.3 overleaf for an overview). Firstly, CSOs can channel their input through Welsh, British and European parent³⁵ groups and networks. These parent groups and networks can then go on to influence EU policy-making either at the Member-State or at the EU level. Secondly, groups may use lobbyists or consultancies to represent them at higher levels³⁶ (this was the case in three instances). Thirdly, an umbrella group has a further civil society avenue because it can relay concerns to its member groups who in turn input into their parent groups and networks.

Furthermore, these avenues do not exclude the formation of ad hoc coalitions with other civil society groups on policy issues. However, this section on civil society avenues will concentrate upon EU participation via WEC and parent groups and networks, as groups have more sustained interaction with these groups. Equally, it will also be shortly demonstrated that CSOs in Wales’

relationships with their parent groups and networks effect their EU policy-making role.

Figure 5.3: Civil society avenues



Most groups did in fact have parent groups/networks (see Figure 5.4) or a UK sister group/company. Only two CSOs did not have additional representation and these were “Welsh” groups with Welsh concerns. For one of these “Welsh” CSOs, the absence of any civil society route resulted in them lobbying directly all political levels involved in EU policy-making. Did the CSOs with parent groups and networks engage with their parent groups/networks in EU policy-making?

No one pattern of child group-parent group interaction on EU issues/policy existed. The use of the parent groups generally by CSOs in Wales appeared to be dependent upon the degree of devolution within individual CSOs and communication structures between parent and child group and the extent to which a CSO orients itself as a local, Welsh, British or European group:

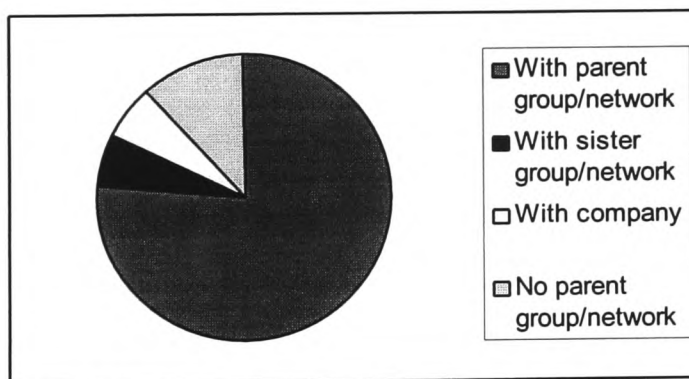
The [British group] accepts now and again that devolution and all that sort of business that we will be a law to ourselves now and again because we have to respond to [members] in Wales. (Interview, trade union, 2004)

It's a question of adding value largely to the big push that taken by [group name] GB, [group name] International, so CAP, there is a Welsh angle there and we would hope to increase the pressure. (Interview, international development group, 2003)

... so you are always working with agencies in Wales, you have to be clear what level of devolution they are operating at. You know I can agree things with others in partnership with others, they can be give and take, because we have an element of devolution, we don't have to be exactly the same position as colleagues in England. (Interview, international development group, 2003)

Things which are devolved the [British group] they come to us. (Interview, disability, group, 2004)

Figure 5.4: Civil Society Organisations with parent groups or networks



Note: the CSO with company on the diagram does not have any parent group or network. The diagram does not show the number of CSOs whom as well as having parent groups or networks may also use lobbyists and consultancies. n=17.

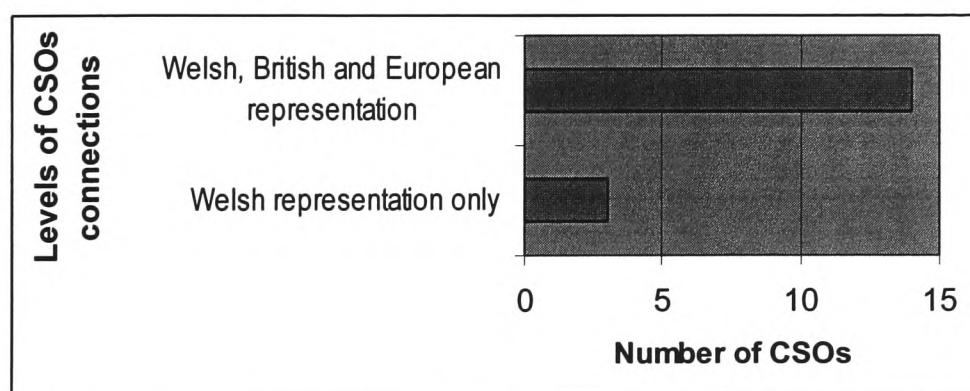
Moreover, most CSOs did have parent groups and/or networks across Welsh, British and European governance levels (see Figure 5.5 overleaf). However, the CSOs had different relations with parent groups and networks depending at which level their parent group and/or chief network resided at: whether Welsh, British or European. These different types of parent-CSO in Wales connections will now be explored in turn.

Wales-wide Civil Society Organisations with British parent groups

The interviewed sample comprised eight such CSOs (this includes the Wales-wide groups with a British sister). CSOs' links with British parent groups is particularly important given that British parent groups provide a potential mechanism to input into the Member State's EU policy-making process. Indeed, among these CSOs they shared an expectation that their British parents would engage more in EU policy-making both by mean of direct contact with political institutional actors and with their European networks; for example:

... [on EU policy-making their British group] has a reasonable amount, [Welsh group] has a fairly tangential part to play. (Interview, business group, 2003)

Figure 5.5: Civil Society Organisations' representations through parent groups and network at different geographic levels.



Note: this diagram includes CSOs who are already organised at the Welsh level as having representation at the Welsh level. The CSOs who have European representation includes the situation where their British parent group/network has membership of a European group/network. n=17.

The extent to which Wales-wide CSOs were engaged in EU policy-making via parent bodies varied. At one end of the spectrum, three groups had no real liaison with their British group on EU policy with “it’s not consultation that comes through its information” (interview, international group, 2003). The remaining CSOs used or were used by their parents to engage in EU issues via members, committees, meetings, the parent groups’ ESCO membership, and dialogue with other officers in England. These relations were unsystematic, with some CSOs feeling occasionally “out of the loop”. Significantly, the decision of

whether or not to substantially engage in this way depended partly on assessment of what each level of CSO could achieve:

London who deals with the central issues because they are there on the doorstep and they've got a bigger department than us. (Interview, disability group, 2004)

A further constraint facing CSOs in Wales wishing to influence their British parent group was described by the British CSO: the presence of the another three UK nations:

... we try to arrange for something like an equal representation from the four nations. But in my job in particular, that cuts against a particular reality and priority which is that 90%, 95% of the population of the UK is English ... So those two have to be balanced up, the four nations against. And as devolution has meant that the Scots do their own thing largely and will continue to do so for the foreseeable future because that's where the action is and the same is true for the Welsh. (Interview, British CSO, 2004)

The same British CSO also described the differences of ideology that informed EU perspectives between the Scots and the Welsh, who are more Socialist than the English. This is another problem for British CSOs trying to take forward their Welsh CSO's perspectives, and challenges how CSOs from Wales can effectively translate their interests through UK parents/networks. A Brussels office of a British parent group constitutes another potentially important avenue for CSOs, as these offices have direct contact with EU institutions in Brussels. Three of the CSOs have British parent groups with such Brussels offices, yet only two referred to this and occasionally used it.

All the Wales-wide groups with British parents had membership of European networks via their British parents. Only three Welsh groups mentioned this connection and two stated that they were directly involved in European networks. One CSO "would try our best to send delegates to that level of dialogue so that we are informed and informing at the level of government" (interview, religious group, 2003), and the other met with the European networks independently from their British parent CSO. The implicit assumption was that the British parent groups were responsible for inputting into the European networks. Moreover, some ECSOs require their members to have Member-State

coverage, with regional coverage not being adequate, which means some CSOs in Wales have to go through their parent groups. The ability of any one national group to pursue their agenda via European networks is minimised by the need for other members to agree. However, a ECSO representative suggested that *national* parent CSOs can influence ECSOs:

Because the European networks like the Social Platform can't do anything without the input from the national level because they have the expertise down there. So if the Social Platform for example, wants to take any action, they need the input of national members. Because they can't say we are campaigning on this and that they don't know what's actually happening on the ground. (Interview, ECSO, 2004)

Wales-wide Civil Society Organisations with European parent groups/networks

Three "European" Welsh groups were interviewed. These comprised two Welsh subsidiaries of Euro groups and one Welsh branch of an International group on European issues. Amongst the former two, their British forum was not as active as their CSO in Wales and they could directly input into their European parents' policies; for example, through Brussels AGMs. The latter group's connections with its International and European groups were less direct, but had stronger links with their British group. These "European" Welsh groups recognised that both themselves and their parent bodies were trying to influence the EU's policy agenda, and, like some Welsh groups with British parent groups, divided up the political arenas:

There are levels of competency. The European [women's group] has a staff. It's a small staff in Brussels, they will lobby the European institutions, then the Council of Ministers, and the parliamentarians and the commission and the committees. And we then lobby nationally, either the national government or the Wales Assembly. (Interview, women's group, 2004)

Local Civil Society Organisations with parent groups and networks

The local groups (bar one who did not discuss this), similar to the Wales-wide CSOs, shared an expectation that European issues would be dealt with above the local organisation, with only one local CSO level directly involved in this process.

Civil Society Organisations in Wales with WEC membership

Finally, two groups had WEC membership and they found WEC to be very useful in gaining Brussels contacts and arranging meetings. Non-members on the other hand perceived WEC's function to be "marketing Wales to the rest of Europe" (interview, women's group, 2004), and not for civil society. Instead WEC was "strictly for business" (interview, poverty group, 2004). WEC used a range of avenues for influencing policy from informal relations with AMs and WAG Ministers to, in particular, relations with the European Commission in the policy formulation/agenda setting stage. To a lesser extent, they discussed issues with MEPs on specialist committees during the co-decision procedure. At the time of interview WEC shared a building with WLGA and the WAG European office and used those relations. WEC also had a lot of discussions with other regional representations, particularly those the Assembly had concluded association agreements with, for example Silesia and Brittany, with the aim of sharing best practice and increasing the relevancy of their lobbying to the European Commission. However, the WEC Official conceded that members sometimes lacked interest in EU policy development, but recognised that it was WEC's role to engage them:

If I was to sit at my desk and wait for the phone to ring with countless hordes from Wales asking me crucial questions about European policy, I would have a very quiet day, every day of the week, 24/7, 365 days a year. People in general, people only call me when they've got a problem. ... And my job is to make them aware of the fact that there are a series of policy developments, policy proposals being thought about in Brussels that in ten years' time will be very significant to them, or whoever is doing their job. (Interview, WEC Official, 2004)

If you extend this problem of engaging interest in the EU's policy development to CSOs in Wales who are not even signed up to such an organisation like WEC, then civil society participation can be expected to be very small in EU policy-making. Thus, there are different dynamics between CSOs in Wales and parent groups and networks that affect CSOs in Wales' EU policy-making role via this avenue. Did the interviewed policy-makers have much interaction with civil society on EU policy?

Policy-makers: their European Union policy-making avenues and civil society

Policy-makers did interact with civil society on EU policy and this contact was unsurprisingly greatest among policy-makers around the Assembly, given that “it’s all about distance” (interview, trade union group, 2004). The AM viewed the EEAC as one forum for listening to civil society’s views, and argued that Europe could not be seen in isolation from the rest of the Assembly’s work. He reserved the partnership councils (or part of the partnership) and round table discussions as the mechanisms used to gather civil society views on EU policy:

I think the way that government will probably take its view would be from the wider consultative processes which we have here in the National Assembly. (Interview, AM, 2003)

However, given the findings in the last section that the VSPC (the partnership councils are some of the Assembly’s consultative processes) in particular do not deal with EU issues frequently, civil society’s input via this avenue can be expected to be small. Instead, perhaps the partnership councils highlight to the Assembly who are the necessary players in European issues, as many of the groups mentioned in European working groups earlier in this chapter are also representatives on the partnership councils. The AM identified WEC as important in bringing in civil society’s views “because there are things which government cannot do in terms of partly funding searching undercover work, or particularly bringing people together in a way which is suitable to specific agenda which is of particular interest to the voluntary sector for example” (Interview, AM, 2003). The Centre’s close will therefore create a considerable gap in Welsh civil society representation.

European representatives on the whole have less engagement with CSOs; this is especially true of the ECOSOC member and the CoR member. The former as an individual tuned into several organisations, but had not received any policy representations from CSOs, and the CoR member had a small amount of CSO engagement. However, the MEPs identified a range of CSOs who lobbied them, but one MEP admitted that many people did not know who they were. This situation matches the interviewed groups’ activities. Moreover, this finding echoes the POS in the limited influence of the CoR and the ECOSOC and their lack of CSOs’ policy interaction. Yet it appears that groups were not aware of

these individuals and their roles, as highlighted in several interviews, rather than CSOs strategically assessing the POS. The European Commission Office in Wales was active in liaising with civil society groups, although not necessarily on policy issues (although that did occur as well), again concurring with group's experiences.

The British MPs had little involvement with CSOs on European issues, outside of funding, despite their role on EU committees:

I can say as an MEP and as a MP there's very little direct interest in how Europe impacts upon people personally or collectively. (Interview, MP, 2004)

The Wales Office equally had little civil society contact, as it is not responsible for policy decisions, although in practice the Welsh Office MPs had some CSO-interaction. This demonstrates that the Secretary of State, despite being "responsible for representative Welsh interest on all legislative matters being considered by UK government" (Bulmer et al. 2002:58), takes the Welsh interest largely from the Assembly Government (requiring civil society engagement here). The Secretary instead acts as a conflict mediator between UK government and the Assembly. This implies that the CSOs who wish to influence the British position should instead go directly to the Whitehall departments, although one CSO did state that the Secretary of State could raise Welsh matters for them with UK cabinet members. One MP also articulated the view that the UK government saw the EU as quintessentially inter-governmental, with the role of the regions and civil society to be contained within the Member-State on EU policy:

... the last Conservative government as well as this government has always you know basically put forward a view and ensured that in practice as far as possible Europe would be always about inter-governmental co-operation. So there's been a lack of enthusiasm then for others outside of the loop to be involved. You know Europe is not for them is it? They should be working through the national government, why are they bothering? (Interview, MP, 2004)

The UKREP civil servants perceived that UKREP did engage with civil society. Although one such UK civil servant (2004) pointed out that representations were generally made from British CSOs that had Brussels' offices, or through European networks. However, due to limited personnel in

Europe, one UK civil servant believed that most civil society involvement should be carried out in the UK. The WAG European office (part of UKREP) was also amenable to groups but implied it should be dealt with at the Assembly level:

The Assembly back in Cardiff has a clear set of arrangements for engaging with the voluntary sector and civil society; we're always fairly open to talking to people here. (Interview, WAG Official, 2004)

Similarly, in an interview with a European Commission Official in Brussels, it was revealed that regional groups do talk to them but that this was not perhaps at the right level:

I would say that regional and local group as such we will never tell them, okay you cannot come, the door is always open, but in terms of regular consultation, the right partner, there is the central authorities in their state and maybe less the European Commission. (Interview, European Commission Official, 2004)

This cultural informal norm shared by policy-makers that civil society EU policy involvement should be carried out in Wales, or at least in the UK, reduces the POS available to groups. This idea also matches with the CSOs actual activity being concentrated in Wales.

Accessibility of political institutions to Civil Society Organisations

Access by no means equates to influence, but it shows with what ease groups can enter into discussions of EU policy through the various avenues. The CSOs generally concurred with the statement "the Welsh Assembly is extremely accessible" (interview, trade union, 2004) and viewed the Assembly as easier to influence than Whitehall and Westminster. Some CSOs even had regular yearly meetings with the First Minister. AMs would sometimes approach CSOs; but this was less true for important Assembly Ministers. In comparison, access to Whitehall and to a lesser extent, MPs, was more difficult, with one CSO articulating the policy-makers' norm that Assembly is where civil society interaction should occur:

I also think that the UK government's view is that it will go through the Assembly and therefore any consultation is down to the Assembly. (Interview, intermediary group, 2003)

Equally, among CSOs who had contact with the EU's institutions in Brussels, the EU was seen as accessible, in one instance more than the UK. This view was shared by the TUC in their submission to a House of Commons inquiry:

In the TUC's experience access to and involvement in public policy-making is more systematically available at the European level than in Britain. For example, the processes of involvement are clear and transparent rather than informal and lobbying-based. (House of Commons, 2002a:1)

However the Institute of Directors (who had close relations with former PM Margaret Thatcher, who was a Euro-sceptic) suggested they found the cards reversed:

We see a huge contrast between the influence we can bring to bear and the ease of access we have to the institutions of national government (for example, meeting with Ministers and Civil Servants and access to UK Consultation Documents), on the one hand, and the remoteness of, for example, the Commission and its alien (non Anglo-Saxon) way of operating, on the other. (House of Commons, 2002b:1)

This again indicates a role for political parties and ideology in shaping CSOs' involvement (Chapter Four discovered the importance of this for discourses on civil society) and illustrates the necessity of looking at the role of ideas in policy. However, geographic distance from the EU inevitably factored, reducing the accessibility of the EU institutions, and the EU was seen by some as "remote" (interview, international development group, 2003). There was also recognition that policy-makers may privilege some groups in policy-making, and in particular in Wales, the WCVA was mentioned.

Policy-makers stressed their open credentials and were accessible to this thesis' research. Considerations of granting access to CSOs included policy-maker's subject responsibilities and the legitimacy of the claim upon their time. Some of the Welsh politicians did try to reach out to groups, as did the European Commission Office in Wales. In practice however, existing reliable contacts and webs of contacts were used on policy issues, although apart from the European Commission, this was not done systematically. The Assembly's method is described below:

At the moment the way that Wales tends to do things is to use the representative organisations as the bodies who speak for their members and let them do their own representing back down the line. (Interview, AM, 2003)

This echoes the practical part of the Assembly's institutional discourse on civil society reifying Wales-wide groups.

With respect to the UK, despite some groups perceiving the UK as more difficult to access, Whitehall departments would contact some of the CSOs for consultations, and following devolution one CSO viewed Whitehall as more open. One MP also highlighted the UK Parliament's inability to have a rational UK European debate, as debate rather revolved around whether Britain should stay or leave the EU. This may be one reason why groups are more reticent to engage here.

The WEF, meant to draw "team Wales" (European representative, Welsh politicians and civil society) together was "forgotten about ... it was so insignificant" (MP, 2004). This avenue, not in use since February 2002, was recently re-convened for the review of regional policy in 2004. At the February 2002 meeting, participants pointed to input side problems of civil society participating in EU policy-making, and that civil society needed to broaden its horizons outside of Wales and Britain, with the Assembly lamenting the lack of civil society responses to the WPG consultation (WAG, 2002b: Annex 4, 5). This latter point demonstrates that civil society's role in EU policy-making is not only shaped by political structure but by the ability and willingness of individual CSOs.

Discussion of Civil Society Organisations' avenues to engage in European Union policy-making

As always, shifts in power are noted and acted upon by interest groups, who act as a type of weather vane for the locus of political power in society. They quickly retarget their influence, once *they realize* the decisions *which affect them* has moved to a new institution or to new actors. (Mazey and Richardson, 1993b:v)

In devolved Wales, it does appear that groups have focused their policy attention on the Assembly, with respect to EU policy, as demonstrated by the cluster of activity here. However, with regards to CSOs basing their actions upon rational

power-based calculations, the concentration of activity around the Assembly makes this unlikely. This may reflect that this is where CSOs feel best able to get the “Welsh” point across. This state of affairs raises the question of whether groups who focus mainly or solely on the Assembly are missing out on potential influence with political institutions of the UK or the EU. In turn, these political institutions are missing out on these CSOs’ input and a source of input legitimacy.

Moreover, for some CSOs’ much of their EU policy-making is subsumed in everyday work with the Assembly, rather than seen as “EU” policy issues per se. This may demonstrate how European policy-making is engrained and integrated into domestic politics. Another factor for groups is that not all of the Assembly’s subject areas are tied up with Europe to the same extent. As well as external factors, actor-specific dynamics impinge on civil society’s EU policy-making behaviour. For example, how a group with connections spread across many levels understands and structures itself will in turn shape that group’s EU policy-making involvement through the civil society avenue. This is of course in turn dependent upon assessments of where groups believe they can have the most impact within their available resources, showing the POS to have some influence on behaviour.

The POS, whilst offering more access points to groups in Wales, does leave scope and access (albeit constrained) for CSOs wishing to influence the UK Member State. Yet some groups and policy-makers operate with the tacit assumption that CSOs’ input should occur at the Assembly level, thereby potentially reducing CSOs’ impact. Furthermore, as CSOs lack awareness of other European Welsh representatives outside of the MEPs, with the ECOSOC and CoR being underused, CSOs may be missing out on alternative avenues to get their voice heard in the EU. The European Commission Office in Wales, although not strictly concerned with policy issues, may also act as an important way for groups to feed into the European Commission, with the Brussels’ European Commission discourse favouring ECSOs. Nonetheless, even if groups may have good access to institutions, this does not necessarily translate into influence. The ability to influence policy depends in part upon the stage that policy is at. The discussion therefore now turns to the policy stages when CSOs engage in EU policy-making.

When do Civil Society Organisations engage in European Union policy-making?

There is a consensus that the policy-making stage with greatest potential for impact is when the European Commission's proposal is still in draft, the "soft pencil stage" (Dr Wright cited in Scottish Parliament, 2002:10) (NAW, 2004a:1; Hull, 1993:83; interviews, UK civil servants 2004). One UK civil servant (2004) detailed how CSOs could get involved: by looking at the Commission's Annual Policy Strategy, working out the responsible DG and "then you phone up them and you go 'I'm interested in this, can you tell me who's likely to be looking at this in your DG?'. They're normally quite open. They'll tell who's doing it. And then you just need to keep in touch with them and ask them for any information, and find out if there's a UK person working close to them because you can actually have a frank discussion [in the same language]" (interview, UK civil servant, 2004). Generally getting in early at any stage is important (interview, women's group, 2004).

Yet sustained interaction across the policy-making process is important. Indeed, Dr Wright perceives the most successful Scottish groups to be those who "interact with different forms and levels of government throughout the policy process and come back to the Executive at the implementation stage, when the Executive is quite powerful" (Scottish Parliament, 2002a: 10). The Assembly similarly is responsible for implementing much of EU policy. By extension, as CSOs concentrated efforts at the Assembly, it would be expected that groups would be most engaged at the implementation stage.

A couple of policy-makers argued that CSOs in Wales did not engage early enough and only engaged when the policy was going to affect them in implementation:

... somehow it's easier to carp afterwards rather than engage and try and influence the process. (Interview, MP, 2004).

The European Commission Official in Wales did state that regional policy was a special case where CSOs knew of the timetable, but outside of regional policy people were ignorant of EU policy-making procedures and timings.

CSOs were mainly engaged in policy-making when directives were being discussed by the Assembly, with the policy formulation and decision-making

stages being tackled by their parent bodies. However again, regional policy was an exception to this, with some CSOs being drawn into the WAG consultations before the policy has been decided. Outside of this, women's, farming, intermediary and international development groups were also involved in decision-making and/or formulation stages.

Outside of influencing/participating EU policy-making, groups engage much more strongly in having informal relations with EU players and also in actually implementing policy through monitoring EU funded projects (seven CSOs) or running them (four CSOs). Moreover, one local environmental group acted as an EU watchdog, in one case where they used a EU Directive to get change on a planning decision. Such broader connections merit further research.

WEC admitted it too focused upon the formal implementation stage but in practice that there was overlap between policy stages:

... policy forming and implementation merge into each one and another at different points in the policy cycle ... You need a knowledge of the policy drivers to be effective to be looking at the processes of implementation and you need a knowledge of the implementation in order to feed into the policy-making. (Interview, WEC Official, 2004)

However, it is questionable whether CSOs, who are non-WEC members, are aware of and consciously engage in implementation as policy formulation. CSOs in Wales may still be on a learning curve, with AMs in the review of the voluntary sector scheme perceiving that a "cultural change was needed [for the voluntary sector] to become 'reliable and active partners' rather than receivers of support." (Jones, Commission, 2004:46). This is partly reinforced by the fact that two of the three CSOs who carried out EU funded projects were not engaged in EU policy-making.

Concentration on the implementation stage means that groups have limited chance to influence the shape of the policy. This also means that some CSOs are not making the most of the available POS. This appears to be a result of a lack of awareness of the EU process, as well as internal structures, although it could be a concern for appropriate behaviour with policy-makers calling for CSO participation to occur in Wales or the UK. Moreover, this activity may reflect the fact that the Assembly is where CSOs have other types of policy involvement and have invested in building relationships:

Whether the Assembly actually has the power or the responsibility or not, people tend to think well this is our group so let's deal with our group sort of thing. (Interview, language/community group, 2003)

Regional policy is an exception, with some CSOs being engaged here across the policy process; therefore attention must be paid as to the particular policy issues in which CSOs participate.

Why do Civil Society Organisations participate in European Union policy-making? With which policy issues are Civil Society Organisations concerned, and are these raised at the appropriate political levels?

This section will explore why CSOs wish to participate by looking at the kind of concerns and issues they are seeking to have addressed in EU policy-making. The CSOs under study were concerned with a range of EU policy issues. What this section seeks to ascertain is whether these issues broadly have competence at the levels they seek to influence, with a view to assessing groups' efficiency in the policy-making process and establishing whether this legal aspect of the POS structures CSOs' behaviour. Several CSOs also shared concerns on regional policy and to a lesser extent on agriculture and employment (a few CSOs had a range of EU policy issues with which they were involved, explaining the multitude of policy issues below). Policy-makers attributed regional policy/structural funds with most relevance for CSOs "because that's the major way that people, the people of Wales see Europe" (AM, 2003). Further, one policy-maker argued that "Welsh groups are mostly concerned with money" (interview, MP, 2004) and that the British are "practical Europeans" (Hain, 2003b: 4). The First Minister for Wales also argued that EU engagement by regions should be viable and relevant to regions:

... interest in the [EU's] institutional structures is defined by our duty to ensure that we can bring influence to bear on policies in our sphere of competence and that directly effect the lives of our citizens. (First Minister's points summarised in NAW, 2002b:1).

The EU policy issues that CSOs are engaged in at the Assembly level are listed below:

Agriculture – CAP, Genetically Modified Organisms (GMOs)

Asylum and human trafficking
Employment
European Monetary Union (EMU)
Enlargement
European governance
Regional policy
Social inclusion/social policy
Trade justice
Welsh language
Women and social policy

Are these issues raised at the appropriate level? On specifically EU issues like enlargement, European governance and the EMU, the Assembly has very little competency to engage legislatively, as they are reserved matters to the UK government. However, in general non-binding policy discussions, the Assembly can play a role, as shown by its response to the European Commission's WPG. The Memorandum of Understanding gives WAG the opportunity to be involved in reserved matters that affect Wales. The Assembly also has a lot of responsibility for agriculture, and to a lesser extent the Welsh language. Issues like regional policy and social inclusion can be dealt with under the Assembly's economic development, transport, social services, health and housing competencies. In terms of the Assembly's competencies and their links with European issues, most areas of the Welsh settlement do have an EU dimension, although with overlap concentrated in specific areas of agriculture, structural funds, environment and transport (First Minister for Wales, 2003:1).

A review of the Wales Legislation Online portal backs this up,³⁷ with the Assembly's provisions under the European Communities Act of 1972 mostly of an agricultural, food and environmental nature. There are also provisions to implement EU funded schemes, for which the Assembly devises programmes that include: Objective 1, 2, 5c and the rural development plan LEADER. Thus, the focus on the Assembly by CSOs with regional policy and agriculture concerns is well placed, as Assembly provisions in these areas seem large (there are 107 Acts relating to agriculture and the Assembly). Moreover, the UK government intends to consult WAG on EU policy on devolved areas, even if

they legally do not have competence to enact it. This makes other issues like social policy, where there is some EU legislation, also relevant. Equally, the Welsh language and to a lesser extent, employment and trade, and justice can be fitted into some of the Assembly's functions, making engagement here appropriate. However, generally in these areas, together with EMU, enlargement, European governance and asylum/trafficking, the competence lies with the Member State and the EU, thus making it appropriate that some of these CSOs' concerns are carried over onto the British state either directly by Welsh groups or independently, or mediated by their British/European counterparts (although with less frequency):

Welsh Civil Society Organisations' issues taken to British/European parent groups and networks:

Agriculture
Asylum and human trafficking
EMU
Employment
Enlargement
Equal opportunities
Regional policy
Social inclusion
Trade justice

Welsh Civil Society Organisations' issues pursued at the British level:

Agriculture
Employment
Enlargement
Regional policy
Social inclusion
Trade justice
Women and social policy

The issues taken to the EU by CSOs are largely concentrated in areas in which EU has great effect (see below):

Welsh Civil Society Organisations' issues pursued at the European Union level:

European governance

Agriculture – CAP

Regional policy

Social inclusion

Women and social policy

On the issues of regional, agricultural, and women and social policy (including equal opportunities), the Member State and the EU have shared policy responsibility. Social inclusion has less policy involvement (taken to mean poverty issues with health, education and welfare) at the EU level (Nugent, 1999: 347). European governance is generally a non-binding EU issue unless parts are taken forward in the dying constitution and will be decided by Member States.

What about the groups not involved; do they have issues that could be tackled more forcibly in EU policy-making? Notably, the environment and broad economic issues are EU domains. Equality, disability and international issues also have an EU dimension. The language group, which challenges the status of Welsh in Britain, has to go through the Assembly and ultimately the UK government, therefore the EU is not really able to help, especially as cultural issues are conducted through inter-state co-operation in the EU. Thus, it appears that the groups engaged in EU policy issues are engaged at levels appropriate to their issues. However, among the non-involved groups there are some whose issues are dealt with in part by the EU, which suggests space for involvement and other reasons, apart from the legal POS affecting these non-involved CSOs' behaviour. This assessment within groups seems less important than looking at the degree of devolution within organisations and where they perceive the correct level required within the organisation to target policy. Equally, it must not be forgotten that many of these CSOs, whilst not explicitly engaging on EU policy issues, may have some contact on general issues which have an implicit European dimension.

Are these “Welsh” issues?

In interviews there was some discussion of whether CSOs felt they were concerned with “Welsh” issues. This was partly to ascertain whether there was a need among groups in Wales to have a voice in EU policy. Most groups (and this is perhaps reflected in their subject areas) viewed themselves as not necessarily concerned with Welsh issues, but instead with local ones. The same conclusions were reached by Day, Dunkerley and Thompson (2000:34) who recognised that many of the issues Welsh groups were pursuing were generic to UK groups, although the distinctive set-up of Wales, vis à vis women’s status, regional policy, agriculture and language was noted by some CSOs and policy-makers interviewed. This may be illustrative of the differences in Welsh identity, but moreover appears as a reflection of how groups (and some policy-makers) understand Wales’ role within the UK in terms of their group, placed on an ideological continuum of nationalism to unionism. In turn, this may partly shape how these issues are dealt with inside groups and networks, and taken to institutions, including the EU:

Political actors are constituted both by their interests by which they evaluate their expected consequences, and by the rules embedded in their identities and political institutions. (March and Olsen, 1998:952)

Indeed, CSO interviewees expressed sentiments such as “I have a nationalist perspective” (interview, international development group, 2003), which may also create a pull towards greater devolution and “Welshness” within their organisation or conversely if CSO members/staff are Unionist.³⁸

Most of the Welsh organisations with British parents had injected, or were going to inject, some measure of devolution into their organisation, although some had only been set up after devolution, with a recognition that things might be done differently in Wales, as found by Cole (2004:359). To put this in context, one Welsh CSO with a British parent had a sister Scottish organisation that was effectively independent of the same British parent group even before devolution, whereas the Welsh group was still part of the same organisation. This partly reflects the different paths and strengths of the Scottish and Welsh civil societies. Welsh “European” organisations also had some devolution from their organisation. Local groups similarly had some autonomy

from the centre. This move towards devolution within groups may encourage more recognition of a specifically Welsh dimension within Europe. As such, a further inquiry into group identity and group structure presents a challenge for future research concerned with the emergence of a “Welsh” civil society.

What strategies do Civil Society Organisations use to engage in European Union policy-making? Are these the strategies that Civil Society Organisations should use?

Choice of strategy to influence the political process is never entirely without constraint and as this chapter has sought to argue, the POS institutions may shape groups’ repertoire of strategies:

Both initiative of participation and the choice of groups consulted remain firmly in the hands of the institutions. (Magnette, 2003a:150)

Indeed, earlier in this chapter it was identified that groups need to be targeting a range of institutions across policy stages and also need to adapt to a consensual style of policy-making at the EU level (and increasingly more so in Britain and Wales with the rise of partnership working). There are also issue-specific windows of opportunity that may structure strategic choices.

Among the engaged groups, a range of themes emerged. The first was that the strategy depended on the issue at hand. The second was that the more actively involved CSOs’ groups were aware of the spread of competencies across levels of governance and the need to influence all, with a multi-avenue strategy:

... [Lobby] not just to Assembly Members but to Westminster as well. So never lose sight of the two; Westminster of course has certain powers that have not been devolved to Wales. (Interview, poverty group, 2004)
... most of the time, it is just bombarding MEPs, MPs and government Ministers. (Interview, women’s group, 2004)

The two European Commission Officials in Wales also backed up the need to influence all levels of governance, but one questioned to what extent this was widespread amongst CSOs in Wales:

... essentially there is gross ignorance about the whole system of governance in which we live and ... people don’t know about the different

layers and how they interact with each other. (Interview, European Commission Official, 2004)

Actively engaged CSOs also recognised that different institutions required different approaches to influence. In particular, organisations stressed the use of email to contact Assembly Members and Officials, but not for MPs (for example interview, religious group, 2003). Groups in contact with the EU would work through their ECSOs, or through WEC, and in one case would identify the European Commission Official responsible for a policy and directly contact them. Groups' strategies to influence specific policies included letter-writing, meetings, emails, consultation responses, involvement on working groups and networks, of which the interviewed policy-makers described letter-writing, phone-calls, emails and general events as appropriate from groups. Groups equally had methods of staying in contact with politicians (AMs, MPs and MEPs) to build up long term relationships (although this was not just on European issues). Some issued briefings, went along to events and organised conferences/seminars etc. Building up a long-term relationship with individuals does suggest some reciprocity:

... we impress them with our knowledge, we develop a positive relationship with them which is on the basis of mutual, mutual aid. (Interview, WEC Official, 2004)

Building upon this, groups and a policy-maker also attested to the importance of individuals in policy-making. For example, the farming group recognised the importance of rapport with a European Commission Official, even when a policy was with the Council of Ministers:

I mean it's all so personality driven these things as well because it depends on who you get on with and who you talk to. (Interview, European Commission Official, 2004)

[What member groups] tend to do is bend the ear of the politician they like. (Interview, religious group, 2003)

The WEC and the farming group highlighted the use of the media and PR to publicise meetings and get results:

Let's say if we are going to organise a meeting at a Brussels level, and we have a good reception and we say 'well constructive meeting'. And so these politicians and others, which are geared up and want to be seen to be meeting and seen to be engaging with people, they play along with it. So PR, you know I think if you are an organisation and you didn't have any PR and you go along, you toddle along, and you know have a good chat and come from there, nothing more is heard of it. (Interview, farming group, 2003)

Finally, in terms of lobbying content, CSOs and policy-makers highlighted that they should frame things in policy-makers' language and interests, be precise and provide information and options:

... provide them with some information about [issue and Welsh context] but also try and have a clear picture of what we want to say to them. (Interview, intermediary group, 2003)

Information was particularly important to the European Commission, with WEC framing the Welsh context with that of other regions increasing its relevancy:

It's about understanding not just of their own constituency ... but understanding the needs in a European setting. So that you've understood what these needs are, you can identify the coincidence between your constituency and what you are trying to effect into the needs of that organisation and those policies. (Interview, European Commission Official, 2004)

There are two anomalies among the engaged CSOs as one CSO only intermittently engaged on one issue through Welsh networks and another was concerned with awareness-raising of the EU in Wales and occasionally participated in broad policy campaigns.

It is noteworthy that all of these strategies mentioned are conventional strategies and are "acceptable". This indicates that the POS is open and accessible to groups and they do not have to resort to unconventional means. The CSOs not involved encompassed a group who used non-violent direct action to generate media coverage "to turn an issue into something people are aware of and turn that into a political hot potato" (interview, language group, 2004). However, this CSO did not see "what more is to be got out of Europe" so did not wish to engage further, indicating that their radical nature was not a result of the

EU-Wales POS. Non-engaged groups also made similar observations about the importance of personalities, using networks/partnerships and the difference between being able to contact AMs through email as opposed to MPs in UK/Welsh policy issues.

Are Civil Society Organisations' strategies influential?

Whether these strategies are successful depends on the criteria policy-makers place on groups and other considerations they may entertain, such as the views of their political party/government in deciding policy. What does seem evident is that groups should take into account all aspects of the opportunity structure and engage in policy early, build up long-term personal relations, have a multi-avenue strategy, frame their concerns into policy-makers' language/interests and recognise policy-making is more consensual in the EU. CSOs also need to consider the policy-makers' tacit understanding that most civil society consultation should be taken in Wales. Conventional styles of lobbying probably have more impact, as policy-makers cited these as effective strategies:

I think if people can get opinion across as an insider pressure group that does have access to government, I think that is usually more effective.
(Interview, CoR member, 2003)

Other considerations affecting CSOs' influence were: issue-specific, that CSOs should be proactive, be representative, or the number of voices a group carries (this was found across governance levels):

I mean looking at the extent to which you take a group seriously on a given point depends on whether you think on this point they speak with the weight of the whole, of many, many voices focused in, and they'd thought about this quite hard. Or is this just really 'I am the European starwatching organisation representing five million starwatchers all over Europe and we think proposition'; well do you? (Interview, Conventioneer/MEP, 2003)

One European Commission Official described how groups in the women's sector in Wales had really embraced European legislation and projects and responded to Europe, in effect developing a reputation for best practice, and this then carried weight for their lobbying activities. Another European Commission Official also pointed out that Wales collectively had made a difference in regional policy.

Groups perceived their influence to vary according to the issue, and at all levels questioned whether consultation really meant participation. Despite this, CSOs felt their influence was strong at the Assembly:

There's only so much we can do to influence the European Union or Commission or more so with the Westminster, but at the Assembly level – we're well in there to be honest. (Interview, trade union, 2004)

The Assembly; we are finding it much more easier, much easier really to influence the Assembly. (Interview, farming group, 2003)

There were also a couple of groups who were critical of the UK government's relations with civil society. Influence in Wales was limited by other considerations, notably an appreciation of Wales' fragile and small role in the European Union policy process (by groups engaged on EU policy), but also limited by how complicated the EU process was and its focus on the Member States, thus testifying to the significance of the POS:

... we really need to be influencing France and Germany. (Interview, international development group, 2003)

Europe is where stuff has been set in concrete, changing it is very difficult, getting to it when the concrete is still wet is pretty difficult. I do not know what all those lobby groups are for in Brussels. If they changed anything it would be illegal. (Interview, British group, 2004)

[The UK government] they are lobbied from all sides, it's a very, very slow process I mean its drip feed, drip feed all the time. (Interview, women's group, 2004)

I mean devolution is fine, but ultimately [on] those sort of issues the European Commission and everything else deals with the UK government, they don't deal directly with Scotland and they don't deal directly with Wales. (Interview, intermediary group, 2003)

With a range of conventional strategies used by the groups engaged in the process, it is clear that there are differences across levels, in particular in dealing with AMs and MPs. As we would expect from the POS, this testifies to the Assembly being more open to groups than the UK's institutions. However, the most actively engaged CSOs perceived that they needed to target a range of institutional actors. In terms of strategies, it appears non-structural concerns are

the key with personalities and framing concerns in the right kind of language and building up long-term relationships. The conventional strategies groups used were seen to be the most effective by policy-makers; however, as identified before, there are gaps in the chain such as under-use of other Welsh representatives in Wales and other potential avenues and simply not getting to policy-making early enough.

Which Civil Society Organisations are engaged in European Union policy-making?

This section shall look at the groups under study and their macro traits – their sector, size, and geographic base – in relation to their EU policy-making involvement. For perspective, policy-makers engaged with a range of CSOs mentioned, covering businesses to environmentalists to local government. Voluntary sector representation through the WCVA was mentioned several times, as were voluntary groups engaged, or wishing to engage, in EU funding. The social partners, and in particular the trade unions, were seen as active and effective. The European Commission Official in Brussels praised local and regional organisations. Another European Commission Official also attributed farmers and women groups with success. These groups are in the main Wales-wide, umbrella organisations. Variations in representations from CSOs to policy-makers also fell along politicians' parties and remit:

I have very many approaches from business organisations. That is because I'm a conservative politician so they naturally feel that I am interested in economic development. (Interview, Conservative politician, 2004)

In this study, ten CSOs in Wales were involved in EU policy-making (this included the pro-European group who was largely concerned with promoting the EU construction although occasionally engaging in matters of policy). There is a match between the sectors specifically pointed out by policy-makers and those sectors involved, although the language/community, international development, poverty and religious groups were not mentioned by policy-makers. However, three of the non-mentioned groups have some of the least EU policy involvement. All of the engaged CSOs are Wales-wide groups,

bar one that had the least amount of involvement with EU policy-making (being fairly intermittent and also mediated). Groups are also further delineated by the level and directness of contact with the farming and voluntary groups and to a lesser extent the poverty group, these being the only groups directly engaged with EU institutions in continental Europe. The former two are also CSOs whose EU concerns do fall under the auspices of the Assembly and these concerns are also heavily Europeanised. For the poverty group, competency at the Assembly and the EU level is less marked, yet the EU too, does play a role in this field. Perhaps this CSOs' EU involvement is rather best explained by the fact that it is a Welsh "European" group, with a specifically European focus.

It is interesting that among the CSOs most involved with EU policy-making (bar one) they did not see EU policy-making as taking up much of their time. This demonstrates the problem of making assessments of the extent to which CSOs are involved and shows perhaps the small extent of attention that groups pay to EU policy-making (as a percentage of their overall work).

Thus, it does appear that groups engaged in EU policy-making are for the most part Wales-wide. There is also an emphasis, particularly in Wales, to engage the social partners and WCVA, which echoes the Assembly's partnership council structures. It also shows that the normative and the functional (in relation to civil society consisting of community groups) conceptions of civil society held by the Assembly and UK government do not fully correspond to the groups that are actually engaged in EU policy (apart from the voluntary groups). However, there is some crossover with the functional conception at the EU level. The practical criteria that institutions place on civil society are more successful in accounting for which groups are active, with an emphasis by the UK and Welsh institutions on large groups whom they have established relations. Similarly, parts of the EU's practical criteria towards civil society is in play here, with one group being part of a European network, another group working through a European network to express its views to the European Commission and the last group being an expert in its field. The substantially engaged groups being large Wales-wide "representative" groups back up the interviewed AM's idea that the Assembly engages the representative groups and expects them to represent down the line. Moreover, only two CSOs are not based in the South East of Wales, but one of these had an Assembly liaison officer and the other did not have an office.

The groups not involved in EU policy-making directly are a more mixed set. They encompass all the small, local and regional groups (bar one), and most of the groups outside of South Wales, suggesting geographical location may present a barrier for civil society participation in Wales. However, all these groups do have some interaction with policy-makers, but not on EU policy issues, signifying that there may be some scope for an EU dimension to their activities. The sport CSO had the least interaction with its local authority, yet on the other hand the environment group's leader had just been invited to sit on a local authority community committee. The Wales-wide groups not involved in EU policy-making, who are perhaps the most interesting anomalies – particularly the language group which does not have any British parent subsidiaries (and this therefore leads to expectations that the pull factor into Europe would be greater) – all similarly have policy engagement with the Assembly and some with MPs. In order to facilitate an understanding of some of the reasons why specific CSOs do not engage with the EU policy process, the chapter must now turn to CSOs' mobilising structures and resources.

What kind of mobilising structures do the Civil Society Organisations have?

This section seeks to look at the extent to which resources, individual experts/entrepreneurs and allies may also structure groups' behaviour, realising that the POS could potentially represent only half the equation:

Opportunities to participate are not so much determined by the structures of the policy process as by the information, resources and credibility of particular groups or actors. (Wallace, 1997: 13)

Staffing did seem particularly important in explaining involvement, with only two groups – the ones that were most substantially engaged – having a European officer. Only three of the engaged groups did not have any staff. However in one of these groups had powerful allies that may have meant that they were able to engage, another had expertise and in the other instance, no staff meant their eventual demise and lack of activity:

... what happens is like so many voluntary organisations that are short of money, an awful lot of energy and time is spent trying to keep ourselves going or fundraising, or writing to the national lottery or to governments

to get money. It takes from the time that one ought to be doing to job of [fighting poverty] ... Now the [group] has folded largely because there has never been enough money to have an office and salaried administrators. (Interview, poverty group, 2004)

The exceptions to this situation are the non-engaged CSOs who were organised on a Welsh level with staff, who perhaps can be viewed as more likely to be able to participate in EU policy-making. However, these CSOs did not engage in EU policy-making partly because the degree of devolution within their organisation and agreement over where the European agenda should be pursued resulted in a lack of direct participation. Furthermore, two of those Wales-wide organisations each only had one staff member who was responsible for a range of tasks.

Many of the engaged CSOs also had other human resources in the form of well-educated entrepreneurs who were also connected to other organisations and key EU policy-makers. WEC had its share of experts both through its staff (organised on a portfolio basis) and its clients, whose ideas it would promote in EU policy-making. The need and importance of resources becomes clear when Richardson (2003) describes their effect in dealing with the Assembly at large:

Organised interests with substantive resources behind them have been able to engage quite actively with the Assembly on policy-making. They have responded to an abundance of consultation documents and questionnaires circulated by the Assembly as part of its 'open government' policy and have often been quite successful in negotiating with the Government ...

On the other hand, interest groups, organisations and individuals without the resources to dedicate the time and energy necessary to building a relationship with the Assembly Government have complained of consultation saturation and found it difficult to engage with what they would regard as 'inclusive politics'. (Richardson, 2003: 235)

This dilemma is magnified in EU policy-making with its multi-avenue, complex POS. It is to the obstacles that groups and policy-makers perceive and to their participation and their reasons for non-engagement that the discussion turns.

Obstacles and reasons for Civil Society Organisations' non-engagement

By exploring some of the barriers that groups and policy-makers perceived, the factors conditioning some groups' involvement/non-involvement can be understood. At the outset it should be mentioned that many groups were content

with their level of engagement in EU policy-making. However, five of the seven non-involved CSOs wanted to get involved, and two of those expected to become involved in the near future. Also, CSOs generally stated that if they knew that they could make a change to EU policy, then they would participate.

There are two dimensions to groups' reasons for non-involvement and obstacles: those barriers internal to the organisation and barriers external to the organisation. Attending to the former, internal actor-specific obstacles were most readily identified by both policy-makers and civil society groups. CSOs placed the most emphasis on material and human resources such as money, the need to fundraise, lack of staff/members, lack of an office, expertise, people retiring, time and dynamic leadership:

If you had a really powerful and charismatic chairman of the [UK group name] then things might be different. (Interview, pro-European group, 2004)

And so it's not down to the fact that I don't think we should get involved, its down to the fact that there's simply not the time and the resources there to get involved. (Interview, disability group, 2004)

Okay, well on an internal level, a lack of resources, a lack of people in Wales ... that's from the [group name] view, the constant obstacle of having my own time stretched in so many different arenas, that I would love to concentrate on only the political side and somebody else have the media side, and someone else have the education side etc. That's an obstacle, that's the major obstacle. (Interview, international group, 2003)

Two policy-makers also shared this view, both stating how expensive it was for civil society organisation to actually influence EU policy. One policy-maker saw these groups in competition with better financed companies:

... the problem in the European Union...was that the voluntary agencies, whosoever they represented, could never have the same kind of impact as lobbying groups. I mean you know Sky TV who lobbied me ... are in a far better position and with more funds at their disposal and more lobbying power than voluntary organisations who can't afford the visit to Brussels, you know. (Interview, MEP, 2004)

The main obstacle that policy-makers perceived was levied at the organisations themselves for not being aware of the relevance and the processes of EU policy-

making. In part this is backed up by the CSO's focus on the implementation stage. This is supplemented by considerations such as what kind of organisation it actually is, and as discussed in the last chapter, charities and statutory bodies have limits on their political activities. There is also the fact that some organisations are not explicitly geared up to lobbying but instead are service-based organisations. Furthermore, to reiterate, decisions based on where it was appropriate for groups to engage in policy, if at all, were in part shaped by devolution within their organisation and a sense of what the organisation was about at their level, their identity:

... the practicalities of running an organisation at the sub-national level is a question of allocating influence on European policy-making when we have a Brussels office with all the experts to do. It is to look upon the members, the members pay out bills and our staff; our job is to actively influence here in Wales for our members. (Interview, business group, 2003)

... we're just to do the local area, we're not interested in the big picture, I mean our group is locally based and it's for local members to enjoy and get enthusiastic about. (Interview, community/heritage group, 2004)

Furthermore, the extent to which groups perceived the European dimension as important to their work being issue specific (and the extent to which the issue has resonance with policy-makers), together with an assessment of whether they could influence (based on external factors), was another reason for engaging/not engaging with the EU and acted as an obstacle:

If I felt we could make a difference, then I'd be there like a shot. (Interview, international development group, 2003)

Within a European context, the impression we've had is that the Welsh language is in the higher bracket of languages that are seen as most successful, as it were. (Interview, language group, 2004)

... the things that really concern NGOs: the European Union seems almost incapable of changing its mind. For instance, the Common Agricultural Policy, which is an absolute disgrace and has remained intact despite its manifest injustice and despite the efforts of the most powerful NGOs. (Interview, British CSO, 2004)

One group also drew attention to the fact that its members did not have direct experience or affinity with Europe (instead having links for example with Africa and Asia), making it less likely for them to focus upon EU policy. This shows how groups' decision to engage/not engage is also founded on cultural constraints as well as on strategic choices. Moreover, the same group directed attention to how the internal was shaped by the external, stating how the lack of attention that London paid to Wales for many years meant that only recently was there a Welsh dimension to their work.

In terms of the external dimension, Wales' limited power and place within the EU was seen as key by CSOs, particularly in weighing up whether they could have any influence:

... people in Wales have spent years campaigning to get Europe to recognise Welsh as an official language; thirty years and it's not ... Being as we haven't got any power through, or representation and so on it's not going to happen. (Interview, language/community group, 2003)

Ideally, but how would Welsh groups, Wales being a very small part on the periphery of Europe, have a genuine say, be genuinely consulted? (Interview, international development group, 2003)

One CSO in Wales mentioned the problem that the European Commission only deals with European CSOs, as did a European Commission Official. Another CSO stated that there was a lack of readily available information about the procedures, and structures were not in place to get their views. This becomes more problematic given the implicit assertion by many policy-makers that groups should come to them, if not directly then through the mechanisms in place.

There was also a cultural component to the external obstacles that groups and policy-makers perceived. These revolved around the nature of Wales, conceptions of Europe, the role of the media and British politics. Two groups referred to the Assembly as insular, preventing it looking out to the EU and further afield, and one CSO identified that in Wales there was not the arena for debate that would allow civil society to take its views into Europe. The equality group perceived this state of affairs as bound up in Welsh history, and considered problems with its identity with Welsh internal divisions more pressing than commonalties. It also viewed the Assembly as not having civil society behind it,

challenging how widespread an embryonic Welsh civic society was becoming. Two additional groups mentioned the lack of the media in generating a Welsh debate. British Euro-sceptism was also put into the equation by an MP, CoR member and by the equality group:

I think Europe, European Union is a tremendous switch-off to many people. (Interview, CoR member, 2003)

All we can get in British politics is this fucking argument over how much we hate Europe, over how cucumbers have to be straight, a lie you know, and you think “we can’t get a debate that’s better than this”? And for Wales to have a positive debate around [Europe] with London can’t even get beyond waving a pound coin in the air and saying you know if Labour wins then this will go. (Interview, equality group, 2004)

However, the European Commission Official said of Wales’ view of Europe as opposed to England that “you don’t come across this fissural antagonism” (European Commission Official, 2004), with some groups also perceiving that the EU was more receptive to Welsh views than the UK. Yet some CSOs felt the EU was complex and far away, “out there”, and there was a sense amongst some organisations that European issues dealt with in Wales or in Britain (apart from specifically European policies like enlargement) were then Welsh and British policy issues. The trade union raised the spectre that British political culture did not encourage civil society and co-operation, but instead adversarial party politics.

An external material dimension was added to the CSOs’ reasons for not getting involved that of the EU’s output legitimacy.

Europe has been popular in the past because it has delivered the goods. If Europe isn’t seen as delivering the goods, it’s not seen to be so popular. (Interview, MP, 2004)

Indeed, the equality group again reinforced this claim, suggesting that problems with the way that structural funding had been handled because the money had gone on short-term projects resulted in the EU being construed negatively. Finally, the language group came across the use of European legislation by policy-makers as a barrier, which links back to the internal problems of not having the expertise to challenge the claim:

But really when people tell us “that goes contrary to European conventions or you can’t do that because the European Union wouldn’t allow it”; we don’t really know that, it hasn’t been tested, it’s something that people throw sometimes to shut you up, or when they can’t be bothered to look into the question themselves they just say “oh it goes contrary to European law”. (Interview, language group, 2004)

CONCLUSIONS AND THE CONSEQUENCE FOR DEMOCRACY

In summation, groups who engaged in EU policy issues varied in the extent to which they did so, with the more active groups sharing particular characteristics (being Wales-wide and respected organisations) and the most active deploying strategies that reached across political avenues. In the main, CSOs’ involvement in EU policy-making occurred at the Assembly and was focused around implementation, with regional policy acting as a noted anomaly. Groups too, whilst not being involved in the policy-making aspect of the implementation stage, were involved in the monitoring and carrying-out of EU funded projects (with some groups overlapping all three). The engaged CSOs (bar one) also had Welsh/British/European and even International parent counterparts that also acted as an alternative route to influence EU policy. There were variations in the extent to which the Welsh groups were able to feed into their network. These variations appeared related to the identity of groups, how groups (and parent groups) understand the role of Wales within the UK/Europe (which has ideological overtones) and the degree of devolution (both locally and on a Welsh level) within group structures. This demonstrates the importance of focusing upon individual actors in researching civil society’s involvement in policy-making as well as political structures.

With respect to the POS, it appears that access was more readily found within the decentralised structures in Wales, with many EU issues being subsumed into the Assembly’s general sectoral work. This does in part back up post-devolution findings of civil society groups switching their policy lenses to Wales. However, as the criteria and the Welsh policy-makers’ discourse highlighted, it was the large, Wales-wide groups who in the main engaged here. This is further to be expected with some policy-makers reinforcing the view that groups should come to them, whereas non-engaged groups shared the contrary

view. Thus, the engagement of already active groups appears self-culminating, regardless of the existence of open structures. Fewer groups tried to access the UK and those who did found it harder to gain influence and access, although those who had established relations in a policy area appeared to have easier access (in line with the idea that British policy-making revolves around policy networks). The lack of involvement here may be symptomatic of the extent of effective relationships between the UK and Welsh Assembly Governments. However, this is unlikely following the idea that one of the obstacles to groups' EU engagement was the lack of Welsh power vis à vis the UK. Instead, policy-makers, one CSO and the lack of an UK-Wales voluntary sector compact, presented the idea that the UK government/Officials had built up an informal norm that civil society in Wales should deal with the Assembly, providing an additional consideration to the POS. Ideas and policy-maker frames also provide further explanation for civil society in Wales' policy participation, such as political parties and political ideologies.

Fewer groups still went directly to the EU institutions in Brussels' and among those who did, one did not have membership in any of the umbrella groups, two were involved in WEC and one was a Welsh branch of a European group. Here access was possible, although one of these CSOs brought up the barrier also articulated by a European Commission Official in Brussels, that the European Commission preferred to deal with Euro-groups, thus limiting their influence. The more active groups also matched the ones identified by the policy-makers as successful. Moreover, another understanding was unveiled by a UK policy-maker that domestic civil society groups should influence in the UK, not in Brussels, with EU policy still labelled as foreign policy. Furthermore, prevailing Euro-scepticism, particularly prevalent among the British political institutions and British political discourse cannot be discounted as a disabling factor.

This chapter has highlighted that structures are important in shaping behaviour as some groups recognise the measures warranted by the POS. For example, some CSOs view the Assembly's limited role in EU policy-making as a limit and barrier to participation. In particular, the practical aspects of the institutional discourses on civil society are evident. A lack of awareness of the EU policy-making process and institutions also limited CSOs' participation.

However, it appears that in this instance, cultural and actor-specific reasons also shape involvement, with many instances of opportunity in the POS remaining underused:

Opportunity has a strong cultural component and we miss something important when we limit our attention to variance in political institutions and the relationships among political actors. (Gamson and Meyer, 1996: 279)

In terms of the implications for democracy, the good news is there is some activity on EU policy-making which can act as a check on government expansion (Grant, 2000). However CSOs in Wales have rather little influence, with voices being filtered through layers of government and organisations. Raising the concerns of those under-represented and excluded is partly evident with the poverty and women's groups involvement (although the poverty group has since disbanded). The traditional democratic role accorded to groups bringing the intensity of public feeling on an issue is unlikely because much of EU policy is technocratic and specialised. The way that civil society in Wales engages with policy may be deliberative and participatory in some instances when stakeholder groups are set up, or policy-makers engage with individuals from the group informally (but this limits the extent to which this is passed on to the rest of the population). However in the main, traditional representative democracy reinforced with civil society was able to influence only proactively and through the margins. This may be fine where representative arrangements are in the ascendance, notably in the UK and Wales (and even then there are issues surrounding EU policy where the UK Parliament and the NAW play a minor role). However, in the context of the EU, where civil society engagement is arguably needed to legitimise the EU, then discouraging regional groups and requiring their voice to be filtered through groups and governments, each with their own agenda, will not make policy more acceptable to people or provide input legitimacy. This is further complicated by participation being limited on the ground, concentrated among large Wales-wide umbrella groups.

Moreover, the continued role of British Euro-scepticism and the dominance of British political elites in British-EU debate according to Statham and Gray (2004) "have failed to open up debate over Britain's relationship to Europe in a meaningful way" (Statham and Gray, 2004:23). There is also an issue in that

some policy-makers perceive CSOs as mainly concerned with money and carrying out services, which may reduce the critical function of civil society to enhance participation beyond elections and also its ability to forge a sense of European identity. Yet it also appears that not all groups, despite having some imperative (the issues they are concerned with having an EU policy component) to engage in EU policy-making, are willing or able to engage in EU policy-making. Indicating that CSOs capability as it stands may not be sufficient to engage in EU policy-making and bring the EU input legitimacy.

In terms of whether corporatist or pluralist relations exist, Michalowitz's (2002) argument that either of these can be in ascendance at different times of the policy-making process seems pertinent, given the different approaches by the institutions. In terms of access and openness most groups felt the Assembly was the most open. Nonetheless, the kinds of groups participating here and across tiers of EU policy-making were Wales-wide "representative" bodies. The British institutions were seen to be less open and the EU fairly open. Yet the EU was also perceived to be "remote" and the process was exclusionary by its complexity, preventing participation even before it could have begun. Thus, in the kind of groups participating and in terms of the POS structuring civil society's participation, corporatism appears to be on the ascendant at this time. Nonetheless, much of the CSOs' actions appeared to be lobbying activities rather than a role in decision-making.

This chapter has covered the broad swathe of EU policy-making activities that CSOs engaged or did not engage in. Does this differ greatly from their Convention participation? This thesis now turns to focus on the specific case of the Convention to explore their role further.

THE CASE STUDY: THE CONVENTION, CIVIL SOCIETY IN WALES AND POLITICAL OPPORTUNITY STRUCTURES

Never before had EU governments gone so far in sharing the tasks of plotting constitutional change as in the Convention. (Norman, 2003:3)

The Convention was in numerous ways an event of many firsts. It was certainly the first time that civil society had been formally involved in discussions on EU treaty change. It was also a first in its working methods, tenure, agenda and outcome. Therefore, the Convention can be seen as part of a trend towards a new way of EU working, following the WPG. As such this author argues that the Convention provides a prime site to explore civil society-EU dynamics.

This chapter will firstly further draw upon secondary literature and documents to demonstrate the Convention's uniqueness, unveil the institutional aspects of the Convention's POS and situate the empirical findings. Secondly, the unstable aspects of the POS will be assessed through documents and literature. Finally, the concrete Convention experience of the CSOs in Wales' interviewed will be analysed, together with the policy-makers interview findings. This chapter differs from the other empirical chapters by exploring in-depth one particular instance of "policy-making", whereas the previous chapters have illuminated upon the context of the case study.

UNIQUENESS OF THE CONVENTION AND ITS POLITICAL OPPORTUNITY STRUCTURE

In order to detail the Convention's novelty, the Convention will be contextualised by comparing it to other types of EU policy-making from the last chapter. Secondly, the requirements of a constitution-making debate will be described. This will generate further criteria with which to assess civil society's role in the Convention. Next, the institutional opportunity structures of where, how and when, civil society should have partaken in the Convention will be unveiled. Furthermore, an examination of the role of the different political

institutions and their degree of nesting, institutional discourses of civil society and groups' institutional relations will depict the institutional opportunity structures and interest group – institutional relations. This will also enable an assessment of whether pluralist or corporatist relations were in evidence. Finally, the POS in the previous chapter will be compared with the Convention, to demonstrate the Convention's originality.

This review of existing literature on civil society and the EU Convention will show that whilst opportunities were fairly open to *European* civil society,³⁹ the institutional opportunity structure offered to CSOs in Wales was fairly closed. This section will also demonstrate that there is paucity of research on civil society-Convention interaction at the regional/local level. Such research on this level is imperative due to the functions accorded to civil society by the Convention and in constitutional law perspectives.

Constitution-making requirements

What are the essential ingredients for constitution-making and does civil society constitute one of these? There are three caveats surrounding this appraisal. Firstly, there are different understandings of constitutions that give rise to different criteria on constitution-making. Secondly, some authors view the constitution-making process as irrelevant for the constitution (for example Szach, 2005; Möllers, 2004). Finally, as the EU is not a nation-state, questions abound over applying the same criteria used towards national constitution-making to the EU's constitution-making process.

Addressing the matter of different understanding of constitutions, there does appear to be a conceptual shift from viewing constitutions as a bill of negative rights to that of more positive legal documents, whose norms and values have to be shared by society (Weiner, 2003). In this perspective the constitution must come from the people:

A proper constitution should not, according to democratic criteria, be made unless it has been mandated by the people and been subjected to public debate and ratified through proper legitimate processes subjected to judicial review. (Eriksen, 2004:35)

Civil society arguably should be central in aiding such public participation and debate. Equally, civil society's involvement in constitution-making may also be important (as in general policy-making), to articulate contending views and to enable issues to be addressed and included. Closa (2003) contends that civil society, in the context of the Convention, could play another role, acting "as receivers of information and as a public" (Closa, 2003:15). Such activities could aid the acceptability and legitimacy of a constitutional document. The opportunity to debate and listen to others' views, which civil society could facilitate, is also imperative for those approaches which stress that a constitution should go beyond the lowest common denominator (Magnette, 2003b: 28-29).

However, academics like Szach (2005) and Möllers (2004:134), who base their evaluations upon constitutional conventions and constitutions in history, argue that although today's democratic states did *not* have open, deliberative constitution-making processes, yet these states are nonetheless democratic. This may be the case for nation-states with a sense of national identity and a demos where a constitution codifies pre-existing shared values and bonds. However, in the EU, where it was hoped that the constitution-making process would create such bonds between the citizen and the EU, the degree of citizen participation in the constitution-making process cannot be ignored. This chapter now moves to the specific process of the Convention, to situate it among other types of EU policy and law-making deeds.

Novelty of the Convention

Situating the Convention in relation to other policy- and law making modes is important to aid understanding of the case study and its context and shall be attended to now. The EU prior to the Convention relied on the IGC as a means of negotiating treaty change. As previously mentioned, an alternative was found in the CFR Convention. Thus, some direction for the Convention existed from IGCs, the CFR Convention and from general EU policy-making. However, despite some limited continuity with IGCs, EU policy-making and even the CFR Convention, the Convention was a unique process. This originality and continuity shall be explored in terms of the Convention's mandate, composition and process in comparison to mainly IGCs' and EU policy-making and also in part the CFR Convention.

The Convention had a very broad mandate to “consider the key issues arising for the Union’s future development and try to identify the various possible responses” (European Council, 2001:3). This is different from an IGC, the CFR Convention and ordinary EU policy-making, given that the latter concentrates on issues of low politics which are often technical (Richardson, 2001) and the CFR Convention concentrated upon a discrete area. Divergence from an IGC is also evident, as many issues are agreed before the IGC summit occurs (Hoffman, 2003:75) and an outcome of a treaty is assumed. In contrast, the Convention’s mandate only posthumously evolved towards producing a draft constitution. At the same time, the Convention shares some IGC characteristics, as described by Smith (2002): flexibility, ambiguity, drift and indirection.

The composition of the Convention was dissimilar from both an IGC and regular EU policy-making and slightly different from the CFR Convention (with one additional European Commission representative and more institutions having observers at the Convention; see Bellamy and Schönlau, 2003:17). The Convention had representatives from national parliaments, national government, EP, European Commission, and observers from the CoR, ECOSOC Social Partners and European Ombudsman with a Praesidium to oversee the process and also a Secretariat to keep its work going smoothly (see Table 6.1 overleaf). Normally, the EU institutions, national parliamentarians, regional representatives (outside of the CoR) and civil society do not have a seat at the IGC table (Hoffman, 2003:77), unlike the Convention. The Convention's composition also differed from EU policy-making as national parliamentarians, regional representatives (outside of the CoR) and civil society were formally included. However, shades of inter-governmentalism were apparent in the selection of President Valéry d’Estaing who was perceived as unlikely to drastically shift the status quo of EU integration (Hoffman, 2003:80-81).

The President of the Praesidium, Valéry d’Estaing, reduced ambiguity surrounding the Convention’s progression by making it clear that there would be three phases to the Convention’s work (on the stages see Miller, 2003:7; Shaw, 2003a:63). There was a listening phase held until July 2002, to explore people’s expectations of the EU in the future. This was followed by a study phase from July to the end of 2002 to consider in-depth the Laeken Declaration’s issues. Finally, there was a reflection stage, where proposals were discussed and agreed.

This time-frame is much longer than an IGC to discuss deep-seated values and to arrive at solutions (Eriksen, Fossum, and Menéndez, 2003: 10).

Table 6.1: The Convention's composition

Source	Convention	Praesidium
Member States (15 in total)	<i>Per State:</i> 1 government representative 2 national parliamentarians	Government Representatives from Spain Denmark Greece 2 national parliamentarians
Accession States (13 in total)	<i>Per State:</i> 1 government representative 2 national parliamentarians	1 invitee
European Commission	2 representatives	2 representatives
European Parliament	16 representatives	2 representatives
Economic and Social Committee	3 Observers	
Committee of the Regions	6 Observers	
Council of Ministers/ European Council		Elected Chairman and 2 vice chairmen
European Ombudsman	1 Observer	
European Social Partners	3 Observers	

(Source: The European Convention website: <http://european-convention.eu/int/Static.asp?lang=EN&Content=Composition>)

At the initial stage, perception seemed to be largely positive that the Convention would work differently from IGCs (for example Puder, 2003). With the Conventioneers as representatives of the Convention, not as sectional representatives per se, the Conventioneers could focus on the common good and deliberate rather than resort to bargaining. Thus, the Convention was described as a “constitutional moment” (Lenaerts and Gerard, 2004:291). The Convention plenaries, conducted on general topics, were publicly broadcasted. On the other hand, the Praesidium continued to meet secretly, like the IGC negotiators, although in response to criticisms minutes of these meetings were sent to the

Conventioners (Miller, 2003:9). However, the lack of media spotlight on the CFR was credited with aiding its success (Scott, 2002:5). Thus, the Convention appears to be radically different from the IGC:

Beyond the importance of lessons learned, a new culture of bright sunlight, public discussion, and dull communication loops holds the promise of finally relinquishing the democratic deficit, recipes of policy-building by stealth and elite bargaining that have for so long dominated the integration projects. (Puder, 2003:1570)

The latter stages of reflection and ultimately decision-making were characterised by more traditional inter-governmental bargaining. In the reflection stage, working groups and three discussion circles studied areas in detail and produced reports. These working groups were able to call upon expertise similar to traditional EU policy-making made with epistemic communities. However, the Convention differed from EU policy-making because the institutional actors were equally involved in all the stages. Working groups were “flexible” (an IGC characteristic) with the six envisaged original groups expanding out to eleven. The working groups were not open to the public (Shaw, 2003b:55), in consequence the Convention’s hallmark of transparency was curtailed. In the decision-making stage, traditional cleavages opened up on certain issues along the fault lines of pro/anti integrationists, left/right wing and large/small states (Kohnstamm and Durand, 2003; Magnette, 2004:215). Institutional actors also promoted their institutional interests, such as the European Parliamentarians and European Commission (Stuart, 2003:18), as well as the “common good” (Dobson and Follesdal, 2004). Foreign ministers were brought in at the last minute and government ‘hard lines’ were introduced (Göler, 2004:281-2) and in some cases actively encouraged (Magnette, 2004:217). Thus, the logics of individual political institutions were evident in the Convention. Decisions were made by consensus (unlike much of EU policy made by QMV) and Giscard D’Estaing made it clear that a minority could not stop the majority creating a consensus (Magnette, 2004:214). In the end, Stuart (2003:23) questioned to what extent this consensus was collectively forged in contrast to being imposed by the Presidency.

The Convention’s novelty was limited in that it was a top-down process (Brunkhorst, 2004:94) and its Conventioners were demographically

unrepresentative of EU citizens (Dobson and Follesdal, 2004:3). Furthermore, authors working from a deliberative standpoint have challenged the Convention with not fully meeting its deliberative potential (for example Magnette, 2004). To assess whether the Convention fostered public participation one must examine its involvement of new players, for instance civil society, as a link to public participation in the Convention. Civil society involvement will help gauge to what extent the Convention differed from the IGC elite model (where there is no official civil society participation) or from general EU policy-making that consists of Officials and experts (Wallace, 2000a:540).

In summation, the Convention represents a departure from both IGC and general EU policy-making in terms of its mandate, process and composition (see Table 6.2).

Table 6.2: Comparison of the Convention to other methods of treaty/policy-making

Component Method	Mandate	Composition	Process
Convention	<ul style="list-style-type: none"> ➤ Broad ➤ Identify and consider issues ➤ Outcome not defined 	<ul style="list-style-type: none"> ➤ Range of institutional, national, regional and civil society representatives 	<ul style="list-style-type: none"> ➤ Medium duration ➤ Consensus/ deliberation (some bargaining) ➤ Three stages ➤ Largely public
IGC	<ul style="list-style-type: none"> ➤ Issues pre-determined. ➤ Outcome: expected treaty 	<ul style="list-style-type: none"> ➤ Member State governments 	<ul style="list-style-type: none"> ➤ Short duration ➤ Bargaining/voting ➤ Late night deals ➤ Secretive
EU policy-making	<ul style="list-style-type: none"> ➤ Specific ➤ Clearly defined ➤ Outcome: expected policy or its refusal 	<ul style="list-style-type: none"> ➤ EU institutions and Member State governments/ civil servants. 	<ul style="list-style-type: none"> ➤ Long duration ➤ Institutional participation varies with the stages ➤ Often committee/ epistemic based ➤ Voting ➤ Mix secretive/ public
CFR Convention	<ul style="list-style-type: none"> ➤ Specific 	<ul style="list-style-type: none"> ➤ Range of institutional and national representatives 	<ul style="list-style-type: none"> ➤ Medium duration ➤ Consensus/ deliberation ➤ Transparent

Some continuity, particularly with the IGC and CFR models, are evident. However, the Convention breaks with the CFR Convention in terms of its broad mandate, greater publicity and also a little in composition. Some parallels with IGCs are evident, particularly during the latter stages of the Convention, with interests, bargaining and cleavages coming to the fore. The Convention is thus a novel event in the EU's history, warranting special attention. Its originality also means that it provides an exemplary opportunity to explore the EU's relations with civil society following the WPG, as civil society is for the first time accorded a role in treaty reform. Moreover, as authors such as Magnette (2003b) charge the Convention with aiding the EU's democratic legitimacy, and constitution-making perspectives accord civil society a potential role to legitimise the treaty, the Convention acts as a key area to explore the research's concerns with civil society participation in the EU and democracy.

The Convention's Political Opportunity Structure

To aid comparison with EU policy-making this section explores the more stable institutional and interest group-institutional mediation aspects of the Political Opportunity Structure: formal avenues and procedures, power, autonomy, role of institutions, as well as informal aspects, patterns of interest group-institutional mediation, institutional conceptions and ad hoc avenues, procedures and strategies. This omits the more unstable aspects such as related events and political alignments to be analysed further on in this chapter, although there will be some overlap. It is also conceded that the Convention's "stable" POS elements in the Convention's POS, are more unstable than in general EU policy-making because of the Convention's evolving mandate and novelty. This section will provide a backdrop as to where, when and how civil society from Wales should and could have been involved in the Convention. It will also explore the degree of openness of the institutional components of the opportunity structure towards civil society. The chapter will now attend to the institutions with which CSOs should have been involved in the Convention, by examining the role of the different institutions in the Convention process, the degree to which they were nested and their significance. It is important to look at institutions' activities because it will affect the space and energy they were able to give to civil society

and their views. Moreover, this discussion will demonstrate where, when and how civil society should have interacted with the different political institutions.

The Convention's Institutional Opportunity Structure

Procedures, functions, processes: the role of Welsh institutions in the Convention

The Assembly had no formal place at the Convention and initially the outlook for regions was not good (Jeffrey, 2004b:9; Gruber, 2002:4). The Laeken Declaration did give regions their first formal role in treaty reform via six CoR observers to the Convention. Given that observers merely had speaking, not voting rights, "all insiders know [the observer role] is of little significance" (Jones, 2002:7). Moreover, none of these observers, their six alternates and the CoR's special working group members contained any Welsh members. Nonetheless, Welsh CoR members would have had the opportunity to debate the issue with their Convention delegates at regular plenaries and some of the CoR's Convention delegates were British.

The other formal Convention regional avenue was found in the arrangements to include civil society. Despite the President of the European Commission declaring that a "clear distinction must be drawn between such democratically elected bodies ... and civil society" (Prodi, 2002:1), the Convention put civil society and regions together in both the Internet Forum and in the civil society plenaries. In respect to the regions' Convention predicament, McLeod (2002) called for regions to use multi-strategies:

It is necessary for them to establish as many different lines of communication (both formal and) as possible, thus enabling some level of engagement with the Convention debate. (McLeod, 2002:3)

What avenues did the Assembly use? The WAG was more active in the Convention than the NAW, using regional groupings and their relationship with the UK to influence the Convention. During the Convention's listening stage the WAG was engaged in the WPG debate although they tried to link this with the Convention (e.g. WAG, 2002a:3). Specifically, the First Minister combined the signing of the Trans European Declaration on the WPG in May 2002 with other EU regions, together with meeting the European Commissioner and Praesidium

member, Barnier, to discuss the document and the Future of Europe (NAW, 2002a). WAG was also a member of the Group of Regions with Legislative Powers (REGLEG), and the First Minister signed a REGLEG Convention Declaration in November 2002 (NAW, 2002b). The Conference of Peripheral and Maritime Regions (CPMR) was another regional grouping where the European Convention was discussed and WAG Ministers were present (NAW, 2002c). The approach taken by WAG, perhaps in response to regions' limited formal role, focused on specifically regional concerns, the place of regional governments in the EU architecture, and policy process and subsidiarity:

Naturally we are interested in changes in the big picture but we have a special interest in subsidiarity. (First Minister for Wales cited in NAW, 2002d:1)

The UK government was the most important avenue for WAG engagement. The UK-EU devolution machinery was used for the Convention right from its beginning, with the First Minister being briefed and consulted on the Future of Europe debate by the Foreign Secretary at JMC(E) on the 8th of November 2001. However, as pointed out in the previous chapter, Wales is tightly nested, with little power in the UK government-devolved administrations EU arrangements. The First Minister also met with Peter Hain, the government representative on the Convention and also a Welsh MP, on the 26th of April 2002 and no doubt on other occasions (NAW, 2002e). The WAG European Office and European and External Affairs Department (EEAD) in Cardiff would have also played a role, giving advice and facilitating arrangements for WAG Ministers on the Convention. WEC similarly monitored the Convention.

However, the most significant opportunity for the Assembly's input occurred at the end of 2002, in the reflection stage. At this stage, the collection of views should have been completed. The Convention regardless announced it would hold another plenary to debate regional concerns and that the contact group of regional and local authorities would meet again. The Deputy First Minister for Wales at the time, Mike German, argued that this was a "response to sustained lobbying from the Regions with legislative powers and others" (NAW, 2003c:3).

In preparation for the regional debate, Scottish and Welsh devolved administrations drew up a paper on the role of the regions. This paper was subsequently discussed in the JMC(E) format and a joint UK paper was agreed (NAW, 2003c:3). Peter Hain then submitted the paper to the Convention and spoke at the regional plenary on the 7th of February 2003. Hain's intervention received reinforcement with a subsequent speech from the President of Baden-Wuttenburg, a powerful regional voice (see Clifford, 2004). This "Hain" paper compromised many of the devolved administration's points. Such receptivity to the devolved administrations concerns by the UK government appears to be exceptional, as the First Minister describes that this success "so far as I can recall, unique in the course of our devolution experience to date" (WAG, 2003:1). In this paper Hain (2003a) called for:

- Procedural recognition of the role of the regions in policy
- Inclusion of regions in early warning systems on EU legislative proposals
- Setting standards to include regions in consultation at the pre-legislative phase
- The use of tripartite contracts
- To reform, rename and to give the CoR full participant status in the EU.

The UK therefore has obviously taken on the concerns of the regions, but within limits, as a parliamentary committee in 2002 stated that it "would not support new rights that undermined the position of Member States by making sub-Member State authorities competitors in the EU" (Miller, 2003:75). Moreover, Jack Straw (see Straw, 2002) and Peter Hain had previously come out in favour of subsidiarity and this brings into question the extent of Assembly influence at this time. Hain's paper was received well by the Convention (interview, European Commission Official, 2004), particularly as the UK had never appeared to be a supporter of the regions (NAW, 2003d:82). This regional debate had real dividends with the constitutional draft treaty recognising the regions. It compromised WAG's main input into the Convention and certainly was its most influential:

This represents a major achievement for Wales in taking forward our European agenda and, in the process, securing the weight of the UK Government in support of our ideas. (First Minister for Wales in WAG, 2003:2)

The NAW was a back-seat driver to many of these WAG initiatives, with the EEAC's approval often being sought prior the official signing of contributions. Their Convention interventions similarly came late in the Convention's play, having been heavily involved in the WPG. The First Minister, who was Chair of the EEAC at the time, met with the UK's European Committee Chairs and UK Convention representatives on the 22nd of April 2002 (NAW, 2002e). The EEAC similarly met with Convention MP representatives (NAW, 2002f) and Peter Hain (NAW, 2003e), and supported CALRE's Declaration in January 2003 that was submitted to the Convention (NAW, 2003f). A few Assembly plenary questions were related to the Convention – and there was a short debate as the Convention drew to a close on “Wales and Future of Europe” on the 4th of June 2003 (NAW, 2003d:75-83).

Part of the explanation for the limited Assembly activity at the Convention's start may be found in their perception of the Convention and other more pressing concerns. When the Convention began a Cabinet briefing (WAG, 2001:3) and the First Minister stressed that “the Convention is not a decision-making body” (NAW, 2002g:20). Jones (2002) also notes that the dispute over WEC⁴⁰ may have taken up these institutions' attention, as well as the debate on European Governance that overlapped with the Convention's first few months (McLeod, 2002).

In summary, it appears that the Convention was at the outset not very open to regional input, with the Welsh Assembly resorting to its relations with the Member State through traditional UK-devolved administration EU machinery to influence the proceedings (also showing some continuity with general EU policy-making). Wales' window of opportunity in the Convention came late in the day and despite having little leverage over the UK government, the devolved administrations were able to pursue the regional agenda through the UK representative in the Convention. The WAG – its Ministers and Officials – once more appears as the key actor in Assembly-EU relations and with the NAW seeming to be less active on the Convention. The timing and nature of the

Assembly's concerns, together with the structural limitations facing regions (and specifically Wales) in the Convention, suggest that there is very little scope for civil society input and influence through this route.

Procedures, functions, processes: the role of United Kingdom institutions in the Convention

All the EU and accession Member States, including the UK, sent one government Minister and two national parliamentarians, together with their alternates to the Convention. The UK also had a number of MEPs and a CoR member. Overall it was the French who had the largest "national" delegation⁴¹ (Shaw, Hoffman and Bausili 2003:15). Nonetheless, this section will focus on the role of UK institutions and their Conventioneers: namely, Westminster, Whitehall and the UK government, not on UK Conventioneers representing EU institutions.

One of the British National Parliamentary Conventioneers, Gisela Stuart (MP), had a central part to play, being selected to sit on the Praesidium which chaired the Convention's course and was its "drafting body" (Stuart, 2003:19). This status meant that she was the Chair of the working group on national parliaments, enabling her to set the working group's direction a little (Shaw, Hoffman and Bausili, 2003:16). Nonetheless, as her reflective pamphlet "The Making of Europe's Constitution" details, towards the Convention's close many members of the Praesidium did not have the time to debate and change parts of the constitution, with the impetus instead coming from the President and also from the secretariat Head John Kerr. This, reduced the collective role of the Praesidium. In this exposé, Gisela Stuart also describes the national parliamentarians as the least effective group, being the most inexperienced in European matters, and who instead "supported what the European Parliament wanted and in the working of the Convention they were not treated a distinctive constituency" (Stuart, 2003:18). British civil servants and counsel from the House of Commons also supported her (Stuart, 2003:21-22). Thus, her impact was variable and the significance of the other national parliamentarians was questionable.

The government representative and initially Minister for Europe, Peter Hain, was an important player in the Convention, nicknamed the "shadow

President” (Magnette, 2004:217) and “Hain the Pain” (Buchanan and Atkinson, 2003:13). His appointment was viewed as an indication that the “British government made the decision early on to take the Convention seriously” (Guérot, et. al. 2003:8). A further sign of the UK government taking the Convention in earnest was the public publication of a draft constitution in 2002 (Keohane, 2002:1), making it the first government to do this. The weight of government representatives in the Convention was greater than the other representatives because any Convention agreement would have to be validated by Member State governments. A further sign of Member State governments’ significance was that Convention President d’Estaing kept in regular contact with the Heads of State (Stuart, 2003:19). The importance of any one Conventioneer was limited by the existence of another 104 Conventioneers and the consensual working methods.

Peter Hain was involved in the subsidiarity and social Europe working groups with his alternate on the Charter for Fundamental Rights, Baroness Scotland of Asthal. It appears that as the Convention progressed Hain found it more difficult to affect changes (Guérot et. al., 2003:8), or he was less willing to compromise, although he was seen to be generally influential. He kept his Foreign Office team with him and would have received briefings/support from the UK civil service in Brussels. More generally, the UK ran briefing meetings for all its delegates, including the MEPs, prior to plenaries, lending influence to the UK civil service and UKREP.

The key Convention issues for the UK government included: securing an efficient Europe, increasing national governments’ and parliaments’ role in the EU’s architecture, safeguarding the spread of QMV to politically sensitive areas and putting Member States at the heart of the EU project:

Europe is the voluntary coming together of member states. (Blair, 2002:6)

The main areas of contention are the incorporation of the Charter of Fundamental Rights into an EU constitutional treaty; harmonisation of taxation; ensuring EU defence policy does not undermine NATO and reform of the European Council and Council of Ministers. (Keohane, 2002:1)

Such issues seem to again accord little space for civil society, or their concerns.

Westminster, one stage removed from the proceedings, did have some Convention participation. The UK's Convention national parliamentarians regularly gave evidence to both the floor of the House of Commons and to a special standing committee set up on the Convention. In this committee, pro- and anti-Europe debates carried the day (interview, MP, 2004). The ESC, the Foreign Affairs Committee and the House of Lords Select Committee on Europe also held evidence sessions with Conventioneers and Ministers. Both Houses' European committees conducted inquiries into Convention related matters. The ESC focused on the role of National Parliaments, democracy and scrutiny (Regan, et al., 2003). In comparison, the House of Lords' European Select Committee followed the Convention's work more closely, producing detailed reports on the Convention's working groups. The floor of the houses also had some limited engagement:

During 2002 there were 84 parliamentary questions about the Convention in the Commons and 37 in the Lords. In the Commons, although the Convention was raised in the twice-yearly debates on European Affairs and in adjournment debates on a constitution for Europe, and democracy in the European Union, there was only one Commons debate dedicated to the Convention, itself, on 2 December 2002 on a Government motion on its strategy in the Convention. (Miller, 2003:12)

In essence, the UK government and subsequently its civil service was a key actor in the Convention. The national parliaments debated the Convention and its issues. However, the focus of contention on institutions may have endowed little space to civil society (this statement will be upheld later in the chapter, when the views of civil society are attended to).

Procedures, functions, processes: the role of European Union institutions and the Convention in the Convention

Much of the working methods at the EU/Convention level have already been outlined. To avoid repetition this section will focus upon the role of the European institutional actors: the EP, the European Commission and others. This section will also reiterate some of the Convention's power dynamics and stages. The MEPs were full Convention members and were geared up for the European

Convention. Moreover, given that they were used to working in Brussels and with each other, they were key players early on in the Convention (Hoffman, 2003:82-3). However, despite some MEP unity there was “active caucusing in the European party federations” (Shaw, Hoffman and Bausili 2003:17).

The European Commission on the other hand had a much smaller Convention delegation, yet both of the Commission’s Conventioneers were also on the Praesidium powerhouse, thus increasing the European Commission’s importance. The European Commission also managed the *futurum* and Forum websites.

The ECOSOC and the CoR, being observers, had a lesser role. They were charged with aiding the national debates and the ECOSOC in particular had responsibility for engaging civil society (this will be elaborated upon in the chapter shortly). Their role was limited by not being part of the consensus-making. Observers were members of working groups and able to send amendments to the Praesidium on draft texts.

There are disagreements in the literature over the role of the Praesidium (compare Rupp 2003; Magnette 2004; Shaw, Hoffman and Bausili 2003:16). Nonetheless, it is fair to state that this body set much of the direction:

But, it is true that in the Convention the Praesidium, so headed by Valéry Giscard D’Estaing as you know, composed by 12 members was the most important forum, if I may say so, and that they made a lot of pre-decisions I would say before submitting them to the whole Convention. (Interview, European Commission Official, 2004)

Moreover, as stated previously, any one Conventioneer’ or group of Conventioneers’ dominance was curtailed by the number of actors, the working methods of consensus, the power of argument and the need to bear in mind the reactions of the Member State governments to proposals. Thus, the Praesidium was crucial and there was some scope for the other actors, notably the European Commission and the EP, to have greater influence.

Interest groups-institution relations and institutional discourses on the Convention

The focus of this section will be on the European Convention/EU level, in order to understand how the Convention set the parameters for civil society’s

involvement and structured its POS. As a result of the paucity of research/literature on British and Welsh interest group-Convention relations, this will instead be more fully analysed via documentary and interview evidence in the rest of this chapter. This section will analyse the British and Welsh institutions' role, and address whether they ran any formal consultations and how this affects opportunities. The institutions' more general relations and discourses as highlighted in Chapter Four will also be kept in mind when analysing civil society-institutions' relations.

European Union institutions/Convention relations with interest groups and institutional discourses

This section will review the existing literature to demonstrate how civil society was involved on the Convention. This section will also help to identify where, when and how civil society should have participated in the Convention. Finally, the role accorded to civil society in the Convention will be discussed. Civil society's formal participation in the Convention as envisaged by the Laeken declaration was a means for citizens to have voice their concerns in the Convention process:

In order for the debate to be broadly based and involve all citizens, a Forum will be opened for organisations representing civil society (the social partners, the business world, non-governmental organisations, academic, etc.). It will take the form of a structured network of organisations receiving regular information on the Convention's proceedings. Their contributions will serve as input into the debate. Such organisations may be heard or consulted on specific topics in accordance with arrangements to be established by the Praesidium. (European Council, 2001:5)

Civil society was also charged by Conventioneers and the ECOSOC with aiding the debate over the Future of Europe and bringing citizens' views to the Convention's attention and subsequently with translating the Convention's work to the citizens (ECOSOC, 2002a:2). Moreover, the importance of the Convention being open and receptive to civil society's views was conceded at the Convention's beginning, to aid its success (The European Convention, 2002a:2; José M. Aznar in The European Convention, 2002b:4). Equally, emphasis was placed on engaging not just European (Brussels-based), but

national and sub-national civil society, via the national debates (The European Convention, 2002c:5). Nonetheless, at the start, and this continued during the Convention, (Scott, 2002), uncertainty abounded on how civil society would contribute, thus impeding civil society's participation.

In formalising civil society's participation, Jean-Luc Deheane (the Vice President in charge of relations with civil society) broadened out the concept of a Forum where civil society was intended to input (see Annex II in The European Convention, 2002c). Civil society could contribute through the following avenues:

- Internet Forum
- Civil society contact groups
- ECOSOC, CoR and European Social Partners
- Public hearings (Plenaries on the 24th and 25th of June 2002)
- National debates
- Conventioneers
- In practice also Futurum

Each of these Convention avenues (bar the national debates) shall now be explored in turn to discuss their accessibility to civil society.

The ECOSOC early on was billed as having “a very important role in providing a bridge between the Convention and civil society” (ECOSOC, 2002b:1). Indeed, from April 2002 onwards it carried out eight information and dialogue sessions with civil society that were attended by various key figures from the Praesidium as well as the occasional Conventioneer. However, these meetings were only “open to *European* civil society organisations and networks” (ECOSOC, 2002c:1). These CSOs came from a range of sectors and covered the pro-European to Euro-sceptic spectrum (see for example the speakers in ECOSOC, 2002d). The ECOSOC intended that national and grassroots CSOs should be engaged through ECOSOC contacts at the national level and notably National Economic Social Councils:

Various participants were worried that discussions *of civil society at national level* would be hampered by an approach that in some countries-

would inevitably be *too state-centred*. On this point, Mr Göke Frerichs, European ESC president and Observer, at the Convention, reassured those present that the national economic and social councils (existing in eleven Member States) had undertaken to contribute fully to the organisations of discussion forums. (ECOSOC, 2002e:1)

Unfortunately the UK does not possess a national Economic and Social Committee, thus rendering this link unusable to British CSOs. The CoR appeared concerned to engage with its constituents – local and regional authority, not non-state “civil society actors”. Nevertheless, the social partners, individual CoR and ECOSOC members may have acted as intermediaries with the national and regional levels and this must be explored when analysing the interview material.

The Internet Forum was a message posting site where CSOs of any size, creed or colour could submit contributions of a “substantive contribution” addressing issues of concern and the issues raised by the Laeken Declaration. The Secretariat and the European Commission monitored the website throughout, with its findings summarised up to the 7th of June 2002 to feed into the civil society plenary debate.

The Forum has been praised for its openness. However, criticisms of it are plentiful. It has been lambasted for being a black hole, too unstructured, lacking effective advertisement with no feedback to CSOs, and participating CSOs being unrepresentative (Lombardo, 2003). Concerns were also flagged up as to whether adequate resources were available to monitor the Forum’s contributions (Lombardo, 2003; Scott, 2002:2). Lombardo (2003:26) views the Internet Forum submissions as overwhelmingly being sent by ECSOs from a few Member States, and with some issues like asylum being under-represented. Finally, the Internet Forum created a barrier to those groups that did not have access to the Internet (Lombardo, 2003: 26). The Futurum website was designed for individual and group contributions on the more general debate on the future of Europe. Futurum suffered some of the Forum’s criticisms over potential significance as it too was an Internet message posting site.

It was decided that eight civil society contact groups would be convened in advance of the civil society plenaries. These emerged out of Deheane’s praise for CSOs who allied together to form groups like the Social Platform (see The

European Convention, 2002c:5). Indeed, several European CSOs had already forged a civil society contact group in February 2002. Contact groups covered the following themes; social Europe, development, environment, regions and local authorities, culture, democracy, citizens and institutions, academic and human rights. The contact groups met prior to the plenary, with Praesidium members acting as their chairs. The civil society groups were left to organise their own affairs and to decide who should speak at the debate, as each contact group only had 25 minutes in which to speak (Spiteri, 2002), despite earlier plans suggesting that participants should be selected on the basis of how much they could contribute to the Convention (The European Convention, 2002c). Lombardo (2002:27) argues this self organisation led to a bias among those who spoke at the plenary debates and other commentators have questioned the representativeness of those organisations being largely European and possibly European Commission-sponsored (for example Heathcoat Amory in Bonde, 2002):

It was a gathering of the Commission's payroll of funded lobby groups, the usual suspects saying the usual things. Naturally these represented 'Euro' viewpoints rather than varied national voices. (Scott, 2002:2)

The limited time available to groups at the plenary sessions meant that participants spoke from scripts and there was no dialogue or debate (Scott, 2002:2; Crossick, 2002:1). Commentators dispute whether this was a genuine attempt to involve civil society (Crossick, 2002:1) or was mere "window dressing" (Lombardo, 2003:36):

The actual official impact of this meeting was small, yet its symbolic character rather important. (Berger, 2004:8)

Issues raised by the CSOs were as scholars (Shaw, 2003a:65; Lombardo, 2002:28) noted not focused around institutional issues but, rather on substantive issues about the nature of the EU project and policy, such as the social economy, CAP and services of general interest⁴². However, institutional issues came up in terms of recognising the role of civil society and citizens in the EU, CFR and extending QMV (for example see The European Convention, 2002d). These issues were at odds with the issues raised by the institutions in the last section.

There were also concerns aired by President Valéry d'Estaing that this plenary had come fairly late in the listening stage. Groups were worried that this would be the only formal opportunity to speak to Conventioneers (Spiteri, 2002). However, in the plans for the Forum, civil society groups were also mentioned as a resource for Conventioneers to draw upon in their working groups, depending upon CSOs' expertise (thereby drawing upon practical substantive criteria to deal with groups). Nonetheless, Deheane stressed "that the Convention attached just as much importance to the pursuit of the dialogue with civil society throughout its deliberations" (ECOSOC, 2002f:1).

It appears that after the listening stage (and indeed to some extent it was already happening), that "lobbying was channelled in the usual way of personal contacts and the effect of NGO campaigns" (Berger, 2004:8) and it was "business as usual" (Shaw, Hoffman and Bausili, 2003:17) for CSOs. However, Borragán (2004) perceives that the cross-sectoral nature of the Convention resulted in business organisations handling the Convention differently. The focus on institutional issues, particularly in the Convention's latter stages, did act as a barrier to civil society who were at odds with such concerns (Lombardo, 2003:27; Lord McLennan in Miller, 2003:14). Partly due to the institutional focus there was a large co-ordinated effort by civil society to get a working group on social Europe. Indeed, this was set up in November 2002, showing that the Convention was to some extent responsive to civil society concerns. However, this working group was not able to listen to civil society views because of its short time frame (Lombardo, 2003:17).

The Internet Forum remained open throughout the Convention. However, with escalating numbers of Forum submissions – there were 1264 at its close – led to doubts as to whether the European Commission and the Convention could synthesise and consider these submissions. Nonetheless, the civil society contact group viewed the Convention experience and the DCT as largely positive for civil society (Berger, 2004:8). Indeed, many academic assessments of the inclusion of civil society in this process appear to depend on how they view civil society and the importance and shape of civil society involvement. For instance, Lombardo (2003) appears to elevate the "dirty" civil society groups of the Social Forum and denigrate "clean" European Brussels civil society and therefore is critical towards civil society-Convention relations.

In summary, the Convention process appeared to be open to civil society, especially to European civil society. Civil society's formal participation occurred during the listening stage, suggesting that this was the time when CSOs could have most influence. This suggestion is backed up as the Convention concentrated in the later stages on more institutional issues. In practice CSOs' influence occurred behind closed doors. Successful strategies by CSOs included proactive conventional lobbying, sending relevant materials to key individuals, and participating in the formal mechanisms. The Convention also appeared to place an onus on groups who could input into the Convention's work (in other words, those CSOs who had expertise). The desire for effective CSO input implicitly led to a focus on Brussels-based organisations who knew about EU politics and how to operate effectively in Brussels.

The role accorded to civil society by Conventioneers included acting as a relay between citizens and the EU, to aid national debate, transmit citizens' views and increase citizens' awareness. Civil society however appears to have been an actor on the inner margins of the Convention process. Civil society was consulted and arguably listened to, but in the presence of so many other actors, together with the nature of civil society's concerns and lack of formal mechanisms in the event inevitably placed limits on civil society's influence and ability to fulfil these roles. As civil society was not given a seat at the decision-making table, pluralist relations between civil society and the Convention are conjured up.

Nonetheless, the kind of civil society active at the European level does appear to be Brussels-based, European and the less radical. This suggests that this aspect of the EU's conception of civil society has some weight here, together with the more practical criteria of requiring expertise, constructive advice and past relations with EU institutions, and therefore some strands of corporatism are evident. Some Conventioneers did exhibit concerns about the lack of national civil society involvement (for example EP, 2002:7) yet, with hidden obstacles shaping European civil society's role, what hope is there for civil society at the national level?

United Kingdom institutions' relations with interest groups and institutional discourses

There has been little research conducted on the national level of civil society (an exception is Will et al., 2005). However, most academics viewed civil society debate in the Member States as wanting (Lombardo, 2003; Shaw, Hoffman and Bausili, 2003). This section will consider the effects of the British institutions' Convention role for structuring civil society's opportunities. Analysis of British CSOs' involvement in relation to Welsh CSOs will also be carried out in the empirical Chapter Six.

The national debates were intended to contribute to the Forum and these were placed in the hands of the Member States. Conventioneers and ECSOs were also charged with fostering the debate back home (ECOSOC, 2002g; The European Convention, 2002c:5). However, European CSOs, not national groups, dominated most of the activities at the European level as well as on the Forum. The lack of national civil society activity was compounded in the UK because there is no British Economic and Social Committee or comparable institution within which the views of civil society could be relayed back to the ECOSOC. Nonetheless, the Internet Forum was open to national civil society.

Opportunities were available to British CSOs through events, Westminster and the UK government. The UK government representative "spoke to trade unions, businesses, academics, students and other members of the public about the Future of Europe" (Regan et al., 2003:62). The FCO also had an on-line forum for people to submit their thoughts and detailed Convention information. However, this forum was subject to the same problems as the Convention's Internet Forum – that of access and awareness. Peter Hain came out in favour of the Social Europe contact group's statements at the civil society plenary, showing he was receptive to some of these concerns. Nonetheless, civil society's influence with the UK institutions would be expected to be limited because of the institutional nature of the UK's overall focus.

The House of Commons' and Lords' European Committees also sought, and received, advice from well-established civil society groups in Convention related inquiries. Wider debate was constrained by the euro-sceptic climate in Britain of the public and the media:

[on the British public and Europe] They aren't interested. They aren't engaged. (MacShane, 2002:1)

Peter Hain told the ESC that stimulating public debate on the work of the Convention was "quite difficult", and that the subject becomes quite anoraky quite quickly. (Miller, 2003:13)

These supply side concerns may also have limited the UK's ability and willingness to broaden out the debate. Other obstacles to CSOs at the national level include the Convention's fast moving debates, the need for expertise and resources to monitor and feed into the process.

In summary, the opportunities for civil society to feed into British institutions were few. The UK government's EU machinery is difficult to access and the UK government's institutional focus did not lend themselves to conventional civil society concerns. The UK institutions did help to create debate and took some measures to engage the wider public although supply side issues may have limited this.

Welsh institutions' relations with interest groups and institutional discourses

The role of the Assembly in the Convention suggests that the POS available to civil society would be relatively closed. The Assembly emphasised regional institutional issues, rather than typically civil society issues. Secondly, the Assembly's close nesting with other actors in the proceedings means that they would have been unable to forcefully press other issues that civil society may have brought to the table. This is further complicated by the fact that much of WAG's dealings were through the confidential UK line. Thus, there would have been little scope for manoeuvring and much of this is inaccessible to civil society. Indeed, Lombardo (2003) concurs with this bleak assessment as she views that grassroots groups were not engaged in the Convention.

In the places where institutional-interest group interaction can occur on EU policy issues – the partnership councils, the subject committees, WEC and the WEF – these were fairly quiet on the civil society-Convention front. WEC and the WEF did discuss the Convention a little. However, this must be placed in the context of WEC's uncertainty and restructuring following the Assembly pull-out and the WEF discussions focused primarily around the WPG. The

Assembly did not organise another WEF, nor did the EEAC run any consultations (despite the arrangements for the WPG being suggested as a model for the Convention in May 2002 – see NAW, 2002e – although the WPG consultations with civil society did feed into the Assembly’s Convention approach). Conceivably groups could have had informal discussions with the Assembly and this will be explored subsequently, as will the events in Wales that were run outside of the Assembly for the Convention. Indeed, one AM felt that further consultation was not needed as CSOs would concur with the Convention concerns taken forward by WAG:

I think the constitutional debate was largely about setting in place the structural building blocks which would allow civic society to contribute ... there wouldn’t be very much that civic society could say in respect of more powers for regions. (Interview, Assembly Member, 2003)

Moreover, the lack of information about civil society in Wales’ interaction in the Convention means at this stage it is not possible to more definitive as to the nature and type of civil society-institutional relations. A degree of indirect exclusion suggests elements of corporatism, yet with the closure of the opportunity structure it is unlikely any group would have been involved beyond consultation in decision-making, also rendering full-scale corporatist relations unlikely.

Summary

The process of constitution-making, depending on the constitutional perspective, does implicitly accord civil society with a role in constitution-making, in aiding debate and in turn increasing the legitimacy of the constitutional document. The Convention was also labelled as unique in terms of its composition, mandate and process in comparison with the IGC model, EU policy-making and from the CFR Convention. There was however some crossover, particularly with the IGC model, given the high political nature of the concerns; cleavages emerging at the Convention’s close and Member State governments being seen as the key institutional actors.

To outline the institutional opportunity structure, the chapter elaborated upon relevant institutions’ role in the Convention. This sojourn demonstrated

that the Welsh institutions had little formal role in the Convention at the outset. The presence of other concerns, namely WEC, and the continued focus on the WPG at the start of the Convention further diminished their limited role. The Assembly did however participate in the Convention, mainly via its Cabinet, in trans-national regional groups, through the UK government and its representatives. The Assembly's most significant Convention input was made together with the Scottish Executive. Channelled through the UK government, this submission contained WAG's concerns on regional power and institutional issues.

The British national parliamentarians and the national parliamentarians generally appeared to be constrained by their lack of Brussels' experience and of working together. One of the British national parliamentarians was, however, given a key role on the Praesidium; nonetheless she felt her role to be sidelined towards the end of the Convention and the real drivers to be the Presidency. The government representatives were given additional weight in the Convention process, given that they would sign or refuse any eventual proposals. Peter Hain, backed by FCO civil servants in particular, appeared to be an effective player in the Convention. The significance of any one player was reduced however by the working methods of consensus. The government's main concerns regarding the Convention revolved around key institutional issues, whilst back in the UK Westminster kept under scrutiny the UK government, its national parliamentarian Conventioneers and conducted Convention related inquiries.

The EU institutions were active on the Convention. The EP was in particular seen to be effective and the European Commission had additional weight through both its representatives being part of the Praesidium, and in running the Forum. The Observers also tried their best to have their say in the Convention and the CoR and ECOSOC created their own internal working groups, participated in working groups and sent in amendments.

This institutional setting would appear to be beneficial for civil society, in that there were so many actors and therefore potential lobbying targets for CSOs. The lack of expertise of the national parliamentarians may also have given CSOs an edge when dealing with them. However, the nature of the Convention's concerns, together with the fact there were so many other actors, constrain the ability of civil society to get its views heard among the milieu. Indeed, among

many observers the consensus seems to be whilst the Convention did broaden out elite discussion usually found in an IGC, this was not as open as it could have been (e.g. Wouters, 2003: 230-231). For civil society in Wales, the lack of power accorded to the Assembly would conceivably reduce civil society involvement and potential to influence. Moreover, the Assembly concentrated its activities in the last part of the Convention, being preoccupied with other concerns at the start of the Convention, when civil society's formal input in plenaries was occurring. Indeed, at the start of the Convention, civil society was in competition with the regions. It is therefore unlikely at this stage that the regions would be civil society's loudspeakers.

In the UK, the preoccupations of the government, and to a lesser extent Westminster, on institutional issues would appear to have reduced opportunities for civil society on the Convention. Moreover, the euro-sceptic climate may have hindered rational discussion and the UK government's ability to broaden out the debate. National civil society across the EU was seen to have not been an active Convention player because the Convention was fast-moving, was preoccupied with institutional questions, and participating CSOs required considerable resources and information.

The Convention gave civil society a number of formal and informal avenues to contribute to the Convention. Civil society was charged with a number of functions: aiding the debate over the future of Europe and bringing to the Convention's attention citizens' views and later on with translating the Convention's work to the citizens. Indeed, the Convention did appear to be accessible to some civil society groups; particularly influential were those European groups already mobilised in Brussels with existing contacts and expertise. The formal consultation of civil society came early on in the Convention, suggesting that civil society should have inputted then, particularly as the more institutional issues, less associated with CSOs, were not wholly on the agenda until later. However, the Forum and other avenues were kept open to civil society throughout the Convention. The formal and informal structuring of civil society in the Convention does suggest that the EU's practical conception of civil society had some role; with constructive relations, conventional behaviour, expertise and European groups all being encouraged and sanctioned. Civil society nonetheless seems to have been a player at the margins of the

Convention, suggesting that although its inclusion into treaty reform negotiations was revolutionary from IGCs, its actual role was not radically different.

The role of civil society did also seem to diverge from the interest group-institutional relations as described in Chapter Five. In general EU policy-making, civil society was involved much more explicitly and the location of civil society-institutional interaction also differed. However, there did seem to be crossover in the European nature of civil society involved, the success of conventional modes of lobbying and expertise, and the need for a multi-avenue strategy for CSOs to influence.

To conclude, although opportunities were available for civil society to input in the Convention, civil society groups in Wales faced considerable institutional and informal barriers. Does the experience of civil society groups in Wales confirm this negative conclusion? Are these institutional opportunities the most salient in structuring civil society in Wales' role? These questions will be wrestled with in the rest of the chapter.

UNSTABLE ASPECTS OF THE CONVENTION'S POLITICAL OPPORTUNITY STRUCTURE

The chapter now turns to expound the assessment made in the last section that the Convention was unique, by comparing the experiences of CSOs in Wales in the Convention with the general EU policy-making experiences from the last chapter. This author will also further test the inference in that there were few opportunities for civil society in Wales to participate in the Convention. In order to explore these questions, the rest of the chapter consists of two main parts. The first section outlines the unstable aspects of the POS that may also structure civil society in Wales' Convention role. The unstable aspects consist of: Convention events in Wales and the UK, other salient issues at the time, media coverage, political alignments and UK civil society Forum involvement. The second section sets out the interviewed CSOs' Convention activities and the interviewed policy-makers' perceptions on the Convention and civil society.

Unstable Aspects of the Political Opportunity Structure

Gamson and Meyer (1996) identify the POS as comprising and volatile, as well as providing stable aspects. For instance, changes in political alliances constitute

a volatile feature. This section seeks to give some background into the pertinent and unstable aspects of the POS, relevant to the Convention and civil society in Wales.

Convention-related events in Wales and the UK

Exploring Convention-related events in Wales and the UK will assist in shedding light on the opportunities available for civil society to contribute, on the kind of CSOs who attended events, and on the issues raised. The events discussed here are by no means exhaustive and the greatest effort was expended on gathering information about related events in Wales or run by Welsh organisations.⁴³ Thus, there are greater numbers of events listed in Wales (see Annex Three).

It is notable that very few events in Wales were organised purely by the Assembly. MEPs, the Welsh Office MPs and the European Commission Office in Wales ran many events. Indeed, some related events were organised by civil society groups, such as the think tank (UK government sponsored) Institute for Citizenship and the European think tank Vision 2020. A considerable number of events were targeted at young people and the general public rather than specifically at CSOs. Further, many events did not coalesce around the Convention. Events covered a more general *debate* on the future of Europe and issues such as the Euro. Peter Hain attended many of these events and may have relayed views to the Convention from these fora. Finally, the majority of events were held after the Convention's listening stage, when civil society's formal input occurred.

There are difficulties in establishing the extent of CSOs' participation and concerns in these events, since attendance lists are not always available and event summaries sometimes do not distinguish between the voices of civil society and politicians. The Green/European Free Alliance (EFA) conference, and to a lesser extent the WPG Assembly consultation responses, the WEF accounts and Welsh Colloquium on Civil Society and Governance provide access to civil society groups in Wales' concerns and participation. These will all now be discussed in turn.

The Green/EFA conference held in Cardiff in July 2002 was organised with civil society in mind and the speakers (mostly CSOs' representatives) discussed employment, gender equality, social inclusion, democracy and

participation and the environment. The following concerns/issues were mentioned: that the Convention was not engaging people, that people needed to feel they can have a say in the process, that the EU requires openness and subsidiarity (one speaker linked this to the GMO debate in Wales), and the abolition of the Euroatom treaty, workers' rights, and calls for a more social European perspective towards childcare. Participating groups were mainly large Wales-wide CSOs, who were offshoots of UK organisations (bar two). They represented women, trades unions, and international, environmental, disability and ethnic minority interests.

The WPG and its debates do deserve some attention because they were considered in WAG's Convention work (reinforced through interviews with civil servants). This is despite both the EEAC (NAW, 2002e: 4) and the WAG Cabinet (WAG, 2001: 1-2) receiving briefings stipulating that the governance debate was separate from the Convention.

Written responses on the WPG came from three quangos and from the WCVA and the WLGA. This is despite another twelve organisations being asked for their views (these comprised large Wales-wide farming, business and public sector bodies - NAW, 2002h). The written responses generally focused upon the bodies' experiences of the EU. The responses called for involvement of civil society in policy-making, protection of subsidiarity, and simplification, and also recognised the importance of WEC in aiding their EU policy-making involvement. The Wales Forum on European Affairs (in other words the WEF, see WAG, 2002b) also discussed civil society's role, calling for improved consultation of civil society on EU issues. The WEF conceded that civil society suffered from consultation fatigue and considered that Europe was a "turn off". The Convention appeared to be only discussed here in relation to the concern that there would not be a "Welsh" representative at the Convention.⁴⁴

The WAG sponsored a WCVA-run "Welsh Colloquium on Civil Society and Governance" in Brussels December 2002. This was organised in partnership with WEC and the Office of Eluned Morgan MEP "to ensure synergy with key developments in the EU surrounding the 'Convention on the Future of Europe'" (WCVA, 2002c: 1). Nonetheless, the fact that the Colloquium's proceedings were placed on the European Commission's Governance website, rather than on Futurum or the Forum, suggests it was aimed less at the Convention and was

instead more orientated at the Governance debate and raising the profile of Wales' voluntary sector. The Colloquium raised the following issues: European Commission-civil society relations, how could civil society groups participate in EU policy-making, the effect of enlargement on new Member States, structural funds and creating trans-national partnerships. Fifteen representatives of "grassroot organisations" (WCVA, 2002c: 6) from Wales attended the Colloquium, which marks a widening-out of the Convention debate. The Colloquium's government sponsorship would limit the event's independence and ability to hold the government to account on this debate.

The Wales TUC European Conference in November 2002 revolved mainly around promoting the EU, business and the Euro, but not the Convention (for coverage see Hazelwood, 2002a:23; TUC, 2002:1). Once again, the sponsor was the European Commission Office in Wales thus reducing the CSOs' independence. What these events in Wales demonstrate is that political institutions did contribute, at least in kind, to encouraging debate on the Convention, rather than civil society alone promoting activity.

In terms of the UK events, many centred around politicians and academics. Government speeches are for the most part concerned with promoting the benefits of the EU and reassuring its Euro-sceptic public that it will not take Britain into an EU superstate, rather than generating debate among civil society.⁴⁵ The FCO also ran an on-line forum providing information about the debate and the Convention. The European Convention's (2002e) paper detailing the UK national debate (written by the UK government's Conventioneers) equally stresses that the UK government has been active in trying to stimulate the debate, and civil society has been involved:

The British Government has sought both to promote and explain the work of the Convention and the issues involved in the Future of Europe through its public diplomacy activities. It has encouraged de-centralised participation from a variety of actors ... Civil society in the UK continues to be active in the Future of Europe debate. NGOs and think tanks hold regular public events. The Government also encourages business, trade unions and information providers to join the debate. (The European Convention, 2002e:2-3)

However, Miller (2003) puts in doubt the actual extent of the UK government's civil society-Convention activities:

Participation in the debate has depended largely on having access on the Internet, however, and the British Government has not organised as many open discussions as some Member States (notably France, where the National Assembly organised a two day debate for civil society groups in 2002). (Miller, 2003:13)

British organisations in the Convention's Forum

In Convention's Vice President Dehaene's arrangements to involve civil society in the Convention, the Forum provides one of the chief vehicles, together with meetings, the ECOSOC, the CoR and national debates:

It [the Forum] has been set up as an open network, with the principal objective being to enable civil society to provide input into the work of the Convention. (The European Convention, 2002c:5)

Thus, exploring British CSO's Forum contributions will help provide insight into the extent of participation, and concerns held by UK civil society on the Convention.⁴⁶ The Forum contributions were gathered in February 2004, when no more contributions had been added following the Convention's close. However, the Forum website has subsequently changed, with some of the entries no longer appearing on the Forum website. In February 2004 the following organisations were identified as British and as Forum participants:

Figure 6.1: British organisations participating in the Forum (organised by the Forum's categories)

Category: Other, civil society, NGOs and other schools of thought (838 total contributions; 11 contributions from the UK)

- British Humanist Organisation – 2 contributions
- British Overseas NGOs for Development – 2 contributions
- Confederation of British Industry (CBI) – 1 submission (and another issued under the socio-economic heading)
- Gay and Lesbian Humanist Association – 1 submission
- National Consumer Council – 1 submission
- National Secular Society – 1 submission

- Respect for animals – 1 submission (this submission is the same as submitted by the following two organisations):
- Lord Downing Fund for Animal Research – 1 submission
- National Anti-Vivisection Society – 1 submission

Category: Political or Public Authority (137 total contributions; 10 contributions from the UK)

- Local Government International Bureau/Local Government Association – 1 submission
- Greater London Authority on behalf of London European Forum – 4 submissions
- Northern Ireland Executive – 1 submission
- Scottish Executive EU Office – 2 submissions
- Pro-European Welsh group – 1 submission
- UK central-local government partnership – 1 submission

Category: Socio-Economic (93 total contributions; 5 contributions from the UK)

- British Bankers Association – 1 submission
- British Medical Association – 2 submissions (and another 1 with Association des Femmes De L'Europe Meridionale)
- CBI – 1 submission

Academic and Think tanks (196 total contributions; 8 contributions from the UK)

- Bow Group – 1 submission
- Federal Trust for Education and Research – 5 submissions
- Next Generation Democracy-Foreign Policy Centre and British Council in Brussels – 1 submission
- Right Now – 1 submission

There is a discernible difference between the different categories of organisations and their submissions. In the “other, civil society etc.” category, submissions are focused much more specifically on policy areas and values. To

illustrate, four of these submissions are opposed to a reference to religion in the preamble and/or special status for churches. Three of the submissions call for respect for sentience of animals and promotion of animal welfare. Two submissions are on the topic of development, policy eradication and the EU's role as an external actor. One submission looks at increasing the role of the consumer and reforming the EU. The final "other, civil society" UK submission – discusses the reform of the EU's institutions and policies and at the same time focused on economic aspects. Thus, the concerns and topics raised by civil society – groups are concentrated in specific areas and suggest a range of normative stances from liberal egalitarianism to new left to libertarian views. A few submissions also refer to issues related to the EU's institutions and procedures matching the political institutions' focus.

The Scottish Executive's submission detailing the views of "Scottish Civic Society" is interesting because three out of the five CSOs' written responses contain responses that were similar to or written by their UK organisations (see Scottish Executive, 2003). This illustrates that devolved CSOs in Scotland may have let their British CSO parents take the lead on the Convention. Will this be the same in Wales?

The concerns voiced in the "Socio-Economic" category were mainly coalesced around specific policies; the Lamfalussy process (market securities regulation), public health and gender equality. One submission did discuss generally the DCT and its effects on socio-economic policies.

The "political and public authority" category is notable for the absence of any WAG submission. UK counterparts from local government, the Northern Ireland Executive and the Scottish Executive on the other hand all contributed submissions to this category. The "political and public authority" UK submissions are much more focused upon institutional concerns, such as how to simplify and democratise the EU. All of these contributions contain the notion that the EU should recognise and involve spheres of government below the Member State level in policy-making. Generally, these submissions advocated better application and definition of subsidiarity. What is also notable about the submissions from the Greater London Authority, the Scottish Executive and Northern Irish Executive is their intention and commitment to gather civil society's views through their submissions and activities. For example, the

Greater London Authority submission is co-signed by the London European Forum. Likewise, the Northern Ireland Executive submission reflects their intention to create a European Forum⁴⁷ and the Scottish Executive devotes one entire submission to the views gathered in consulting Scottish Civic Society. Finally, UK submissions in the “think tank” category were concerned with broader institutional and procedural issues exploring how the Convention was progressing, offering innovative ideas and critiquing the EU.

In comparison to the total number of Forum contributions, the British submissions are small. Nonetheless, Lombardo (2003:26) found that some Member States, e.g. Greece, had not submitted any contributions. As a proportion of the total contributions, British input is greatest in the “political and public authority” category, with the smallest proportion occurring in the “other, civil society etc.” Forum (even when this is coupled with socio-economic). This suggests that the Convention engaged political and public authority interests more than CSOs in the UK. It also demonstrates that the socio-economic components of civil society appear to have been more alert to the Convention than other parts of organised civil society. Perhaps this will be echoed in Wales?

Wales is the only UK region with a CSO that submitted its own contribution independent from its devolved/local authority. Thus, UK regional civil society inactivity appears to be widespread. However, the other UK devolved authorities linked civil society’s contributions/future contributions to their events and mechanisms. This may point to how sub-national civil society needed and expected Convention engagement to occur.

The CSO’s concerns exhibited were largely sector specific and required some prior EU knowledge in that area. This suggests that civil society engagement may be concentrated in specific sectors and that CSOs faced considerable start-up obstacles, needing to possess prior EU knowledge. Moreover, the groups involved concur with the practical part of the British conception of civil society, being large and mainly established bodies. The involvement of such groups contrasts with the British and Welsh institutional normative views of civil society being community groups, as found in Chapter Five. Chapter Four also found that the practical component of institutional conceptions of civil society had more foundation in the views of individual British and Welsh policy-makers.

Shifts in political alignments during the Convention

Shifts in political alignments can create new opportunities for groups, and allow new alliances to be formed and existing alliances to be capitalised upon or broken (see Kriesi et al. 1995:59-81; Joachim, 2003). In Wales, there were changes in political alignments over the Convention period, but these do not seem to have had significant implications for the Convention. The creation of a Labour Assembly government, accompanied by the end of the Labour/Liberal coalition after the Assembly election on the 1st of May 2003, may be significant. However, this may have served to reduce allies of civil society by consolidating power in one governing party. The Assembly's election also occurred before its summer recess and in the closing stages of the Convention, which would suggest that this had limited effect. Not to be discounted is the First Minister's attempts to distance Welsh Labour from the UK Labour government, which occurred in 2001 over the debate on Public Finance Initiatives/Public Private Partnerships and was symbolised in his speech at Swansea University in December 2002 (see Shipton 2002). This may have served to allow the Labour majority in WAG to take forward a more "Welsh" position in the Convention and at the same time may have distanced the ability of Welsh groups to proceed through UK institutions (serving to reinforce the informal norm encountered in the Chapter Five that Welsh CSOs, concerns should be dealt with in Wales).

Another important change was that Peter Hain in October 2002 was appointed to Secretary of State for Wales post, whilst he was continuing to act as the UK government's Conventioneer. At the Convention's outset, Hain, as a Welsh MP, stated he would listen to Welsh views. However, the concerns voiced about Hain simultaneously sharing two jobs and being able to defend Welsh interests may have made him more sympathetic to concerns from Wales following his appointment:

You can be sure Wales will get a first class service from me and the Welsh voice in Europe will get a very loud hearing from me as well. (Hain cited in South Wales Evening Post, 2002:11)

I will ensure Wales' voice is heard loud and clear in Brussels (Hain cited in Hazlewood, 2002b: 40)

Further, some Member States' governments changed their Convention representatives at the decision-making stage and this may have altered political alignments. The UK's government representation was an exception to this, remaining the same throughout the process. The war on Iraq may have soured European relations with the UK, reducing the UK government's impact. Nonetheless, Convention cleavages occurred instead between large and small Member States at this stage.

Newspaper coverage of the Convention

The previous section highlighted that a draft constitutional treaty was by no means a given outcome of the Convention, as evident in the Convention's remit:

The Convention will consider the various issues. It will draw up a final document which may comprise different options, indicating the degree of support which they received, or recommendations if consensus is achieved. (The European Council, 2001: 5)

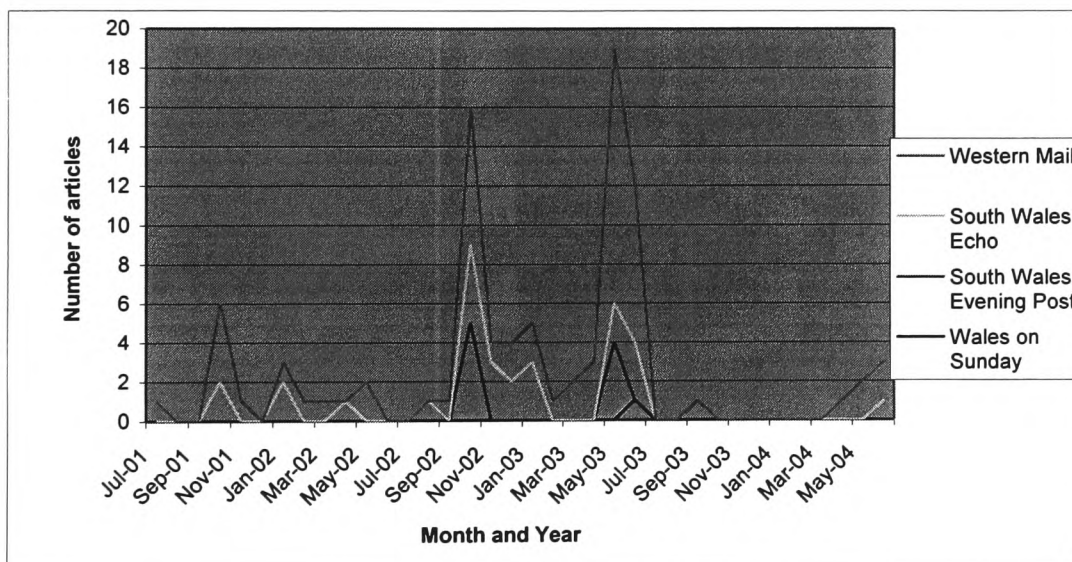
Earlier in this chapter it was also demonstrated WAG's ambiguity over the status of the Convention. If Welsh Assembly Ministers were uncertain of the Convention's role, to what extent would civil society groups be encouraged and able to get involved? Given that the media plays an important part in spurring on collective action as it shapes the public sphere (Grimm, 2004), the media's Convention coverage must be attended to. An analysis of four Welsh newspapers will help to shed light on how the Convention was viewed and whether it encouraged participation.⁴⁸

Figure 6.2 overleaf demonstrates the spread of newspaper articles over a three-year period. There are two clusters of articles that occur during the reflection and decision-making stages when the Convention was well underway, thus, it can be assumed that Welsh newspapers did not create much initial awareness. The two clusters are identified with three issues. The first cluster in October 2002 marks the time when Peter Hain became the Secretary of State for Wales (whilst remaining a Conventioneer). The second cluster in May/June 2003 is associated with a) the UK debate beginning on the DCT referendum, and b) Peter Hain's appointment to Leader of the House of Commons, whilst remaining a Conventioneer. These issues can be attributed to the article clusters

over time because of the proportion of article content they receive, which will be discussed shortly.

Nonetheless, the concentration of news coverage in these two periods shows that Welsh newspapers did not pay as much attention to the future of Europe/Convention in the listening stage, when civil society formal input occurred. This suggests that this unstable aspect of the POS was relatively closed to the Convention, leading to an expectation that civil society involvement in the Convention would be small. Admittedly the UK media plays a significant role in the lives of the Welsh, and this may have created additional opportunities for CSOs.

Figure 6.2: Welsh newspapers and the Convention and future of Europe; July 2001–June 2004



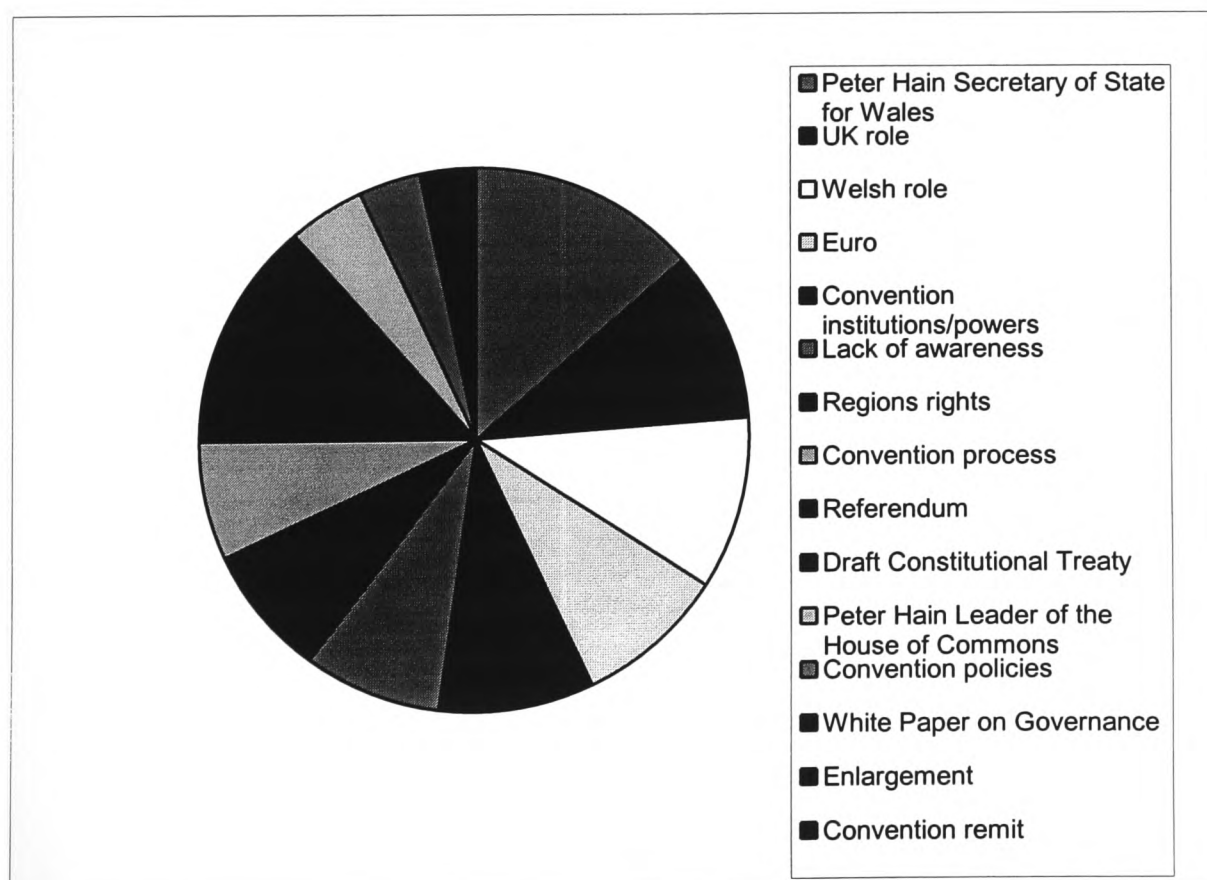
Total number of articles=91

Did the articles' content aid or hinder civil society Convention action? Figure 6.3 (overleaf) maps the relative proportion of the articles' main issues. The largest topic covered is Peter Hain's appointment to Secretary of State for Wales while still retaining his Convention role, rather than on the Convention itself. The Euro, as well as the activities of British and Welsh representatives on the Convention, received substantial coverage. The continued salience of the Euro in the UK's debate before and during the Convention can be found in a range of sources (for example European Commission Representation in the UK,

2003:1; Keohane, 2002; The European Convention, 2002c:3; European Commission, 2001b:5).

The articles' content also echoes the literature review's findings, with regional rights and EU institutional issues/powers accorded more coverage than the Convention's discussion of the EU's policies/values, where more "civil society" concerns may be expected. It is also important to note that many of the articles were either framed in Euro-sceptic language or defended Europe in the face of Euro-scepticism. This is epitomised in the following headlines: "Compromise set to bin idea of European superstate, says Hain" (Western Mail, 2003:5) or "Goodway's warning to the Eurosceptics" (Hazlewood, 2002q:23). In consequence, much of the articles' language is very defensive or sceptical, which is not entirely helpful for rational argument on the Convention. This newspaper article content is not conducive to spurring on civil society in Wales' participation.

Figure 6.3: Content analysis of newspaper articles



Total number of articles=91

Other issues at the time of the Convention. Were there more important issues on the agenda?

In Wales, a range of other issues were prominent during the Convention period. In particular, the forthcoming election in May 2003 encouraged concentration on core issues, such as health and education. There was a host of other EU issues debated by the Assembly during the Convention. In fact, a review of the NAW's record of proceedings during plenaries revealed that following issues were discussed: the fate of the structural funds post-enlargement, enlargement generally, monitoring structural funds, the reform of the CAP in 2003, Wales' ability to be GMO-free, European Governance, the role of the regions in Europe, the Euro and also the reform of WEC.

Iraq cast a large shadow over all levels of governance during this period. In Wales, Iraq was debated and for the UK government this comprised a chief tenet of their foreign policy. Since the middle of 2002, Iraq had attracted sustained attention before the outbreak of war in March 2003, thereby overlapping with the Convention. The UK's European debate throughout the Convention revolved around the Euro and a potential Euro referendum. The verdict on Britain's Euro entry was only announced by the Chancellor of the Exchequer in June 2003. In the EU, other issues included the launch of the Euro, the stability and growth pact, and the Seville 2002 summit focused on immigration. Thus salient issues at all levels were present during the Convention period.

Unstable Political Opportunity Structure summary

In summary, by exploring some of the unstable aspects of the POS, Convention events, British involvement in the Forum, political alignments, media and salient other issues, we can see that the POS offered to civil society groups in Wales is fairly closed. There are opportunities for involvement but these are selective towards CSOs and many of the events where civil society could be involved are bound up with other European debates and are not specifically targeted at the Convention, with the notable exception of the Green/EFA seminar. This is reflected in the WAG's approach to the WPG, which had some limited Convention impact and coincided considerably with the Convention's time frame. Moreover, the UK government's public diplomacy exercises seem to be

concerned with informing people of the debate, and not necessarily listening to people or groups views (Will et al., 2005).

The activity of UK civil society in the Convention Forum shows that specific sectors of civil society were involved in the Convention through this avenue. The groups engaged are also mainly large, UK-wide, established organisations, whose contributions focused on specific policy areas and who demonstrate specialist knowledge of the EU processes. This suggests the existence of some initial barriers to civil society's Convention participation. The Forum also received contributions from the Northern Irish and Scottish devolved authorities and the London Greater Authority. Such contributions demonstrated the governmental bodies' intention to bring in the views of their civil societies. The WAG is notable in its absence from the Forum submissions.

Welsh newspaper Convention coverage was not conducive to energising civil society Convention participation, particularly as newspaper coverage peaked after the listening stage and had a second peak right at its close. In terms of content, this too was not facilitative towards civil society participation. Typically, "civil society" concerns on EU policies and values were given less prominence than Peter Hain's dual jobs, UK/Welsh activities, institutions/powers, the Euro and regional rights. Finally, political alignments and other salient issues may have had a bearing on civil society and the Convention, yet their effects are hard to fully discern. Changes in alignments from the end of the Welsh Labour/Liberal Democrat governing coalition, with Welsh Labour distancing itself from the Labour UK government, Hain becoming Secretary of State for Wales, and the Iraq war all created potential alliance shifts for civil society. It is also important to place the Convention within its issue contemporaries, as it is evident that in Wales, the UK and to a lesser extent in Europe, other salient issues prevailed, which may have reduced both government and civil society's energy for the Convention. To what extent can this discussion of the unstable aspects of the POS, combined with earlier discussions on the more stable aspects, bring dividends to understanding civil society in Wales' role in the Convention? It is to the accounts of the interviewees that the chapter now turns.

CIVIL SOCIETY ORGANISATIONS' IN WALES CONVENTION INVOLVEMENT

This section's findings are presented in the same manner as Chapter Five to situate the case study in respect of its context of EU policy-making. Thus, the experience of interviewed CSOs will be described in relation to the avenues used and their accessibility, the concerns held by the CSOs, the obstacles CSOs faced, the reasons for non-involvement and finally which CSOs did or did not participate. Comparison with the interviewed CSOs' activity in general EU policy-making will also be made throughout this section. This section will also outline CSOs' satisfaction with their non-involvement or involvement in the Convention. Finally, some conclusions on the POS and the democratic implications of CSOs in Wales' Convention role will be offered.

There is danger that the convention is only in touch with/listened to by NGOs at the European level. This is very important, but I think that we have to decentralise and have contacts with NGOs at the national level. To this end we have asked various members of the Convention to give us an outline of what is happening at the national level. (Translation; for the original French text see European Convention, 2002f:7)

The above quote confirms that Vice President Dehaene recognised the need to broaden the debate outside of ECSOs to CSOs in the Member States. This investigation provides insight into the extent to which the Convention debate did actually occur among national civil society in one Member State. Civil society was important in the Convention to transmit messages both to and from the citizens and the Convention, to discuss policies and create ownership over the process and thereby reduce disaffection with the EU. Among the groups interviewed, nine Welsh groups and one ECSO (this shall be used for comparison) had some tangible involvement. Their involvement ranged in their Convention relevancy from challenging specific clauses to attending an event on European issues with some crossover on to the Convention. The next section will look at where that input occurred. It should be noted that much of the CSOs' participation has been traced following interviews, therefore the extent of participation may be under-reported.

Avenues for Civil Society Organisations' Convention participation

This section charts CSOs' Convention involvement through both political routes and via its civil society networks/parents. Table 6.3 (below) summarises the avenues in which CSOs participated.

Table 6.3: Summary of avenues used by engaged Civil Society Organisations

Avenue type	Number of CSOs	Total
Political	2	2
Civil society	3	3
Political and civil society	4	4
Total Avenues	9	9

Political avenues for Civil Society Organisations' Convention participation

The political routes used by six CSOs varied, and many were informal. Three CSOs were more proactive than the rest. Among these three, the intermediary group had discussions with AMs, European Commission Officials and the Secretary of State for Wales. The women's group also had contact with AMs and the Conventioneers MPs. The final proactive group actually sent in a submission to the Internet Forum. Two additional CSOs both attended the Green/EFA event with one of these also attending the WEF. The religious group's staff member had some informal contact with the European Commission office in Wales on the topic. Thus, on the Convention, civil society activity was not solely gathered around the Assembly, and crosses tiers of governance, perhaps in response to the Assembly's limited role.

Compare this with the Convention avenues used by ECSOs, which included the ECOSOC, being part of a contact group and the Forum. A civil society contact group was also created specifically for the Convention, which aimed to create structured relations with the Praesidium and NGOs and targeted sympathetic Conventioneers on treaty amendments. Admittedly, not all of these were available to sub-national civil society groups but it does show that potential opportunities were not capitalised upon. However, a couple of Welsh groups do appear to have recognised the need to influence through all avenues.

How open were avenues perceived to be and does this aid explanation of activity? Many of the policy-makers interviewed had no approaches from any CSOs on the Convention. Interviewees pointed out that this did not exclude the possibility of activity elsewhere with their colleagues. However, the ECOSOC member did get involved in related events with some CSOs, as did the Conventioneer who participated and organised a number of countries, including events in the UK, Germany and Spain. One MEP suggested that groups should/would focus on Conventioneers; not on the EU representatives who had no direct Convention involvement, and the policy-maker interviews appear to back this up. The politicians were open to contact with civil society groups, notwithstanding their criteria revealed in Chapter Four. Further, the assumption that the legitimate place for civil society in Wales' involvement was in the Member State was re-visited.

Back in the Member State, for WAG the debate seemed to boil down the role of the regions in the EU architecture. This implicitly limits civil society's involvement through this avenue, in that "there wouldn't be very much that civic society could say in respect of more powers of the regions" (interview, AM, 2003). Some policy-makers also recognised the Convention's comparative openness to other methods of treaty-making. There was disagreement over civil society success at utilising the Convention's openness and disagreement over where the responsibility lay to engage civil society.

Groups' access to the Convention depended in the first instance upon their awareness. Many of the interviewed groups were unaware of activities (events etc.) and the Convention Forum. The ECSOs perceived the Convention to be open because they could see what it was discussing, however as the ESCO interviewee noted, openness did not equate to real influence. The intermediary group discovered that "for us to feed directly into Europe was very difficult" because they were not a European group. The EU conception of civil society acted as a barrier to this CSO's participation. In contradistinction, the pro-European group viewed the Convention as very accessible through the Forum:

... it was just so easy to make a submission to the Convention, and the Convention really laid over backwards, fell over backwards to encourage people to make a submission. (Interview, pro-European group, 2004)

The women's group found the UK Parliamentary Conventioneers easy to access through attending the EEAC meeting, which was open to anyone. The intermediary group also perceived that the Assembly, because of the WEF consultation, "was probably a bit more open in fairness, at least they [the Assembly] did make an attempt to consult" (interview, intermediary group, 2003) in comparison to other instances of EU policy-making. This suggests that despite the negative political and media context, if CSOs in Wales were aware of the Convention, then the structures were not a barrier to collective action, although they may have limited participation, and obstacles may lie elsewhere.

Earlier in this chapter it was argued that ESCOs were dominant in some Convention activities, such as the civil society plenary sessions in June 2002. Were organisations able to feed into this and participate in this way? Did European civil society help trigger the national debate? The next section explores this civil society route of Convention involvement.

Civil society avenues for Civil Society Organisations' Convention participation

Seven Welsh CSOs (four of which also participated in the political routes) had some Convention interaction through their parent groups/networks/civil society activities. Two of the groups were participants in the Welsh Colloquium on civil society, which has some very limited Convention relevance. One interviewee described it as where "[WCVA] were trying to establish how to involve themselves more directly in Europe" (interview, UK civil servant, 2004).

One CSO's initial awareness was triggered by such European networks and on their own initiative went through European networks on the Convention. The business group's involvement with the Convention was via their British organisation contacting them and they were briefed on the issue by the British organisation's Brussels office. The religious group received communication from their British and European bodies on the Convention, with some members participating through other civil society avenues such as other umbrella organisations. An additional CSO also used WEC in their Convention activities. Finally, the International Development group became aware of the Convention through their British colleagues.

The other three remaining groups that had contact with the Convention via the civil society route were all the "European/International" Welsh

organisations. The poverty group had very tangential involvement because they attended their European group's general meeting, which a Praesidium member attended. The poverty group may have fed into the Convention this way. The other European group was engaged in this issue through its AGM, with good levels of information flowing between the organisation's levels throughout the Convention. Finally, the Welsh group that was also part of an International group participated indirectly through this route: one of its committee members sat on the UK committee that submitted evidence to the House of Lords Select Committee. This is interesting for it means that the ECSOs did provide their regional bodies with the opportunity to participate, although these opportunities created by ECSOs were not uniform and in two cases fairly minor.

However, among some CSOs who had parent groups, and indirectly membership of European networks, there was little communication with those groups on the Convention. In consequence this limits the potential for civil society to play its democratic role as a communications bridge, although it may have been that information trickled down just to the UK group level. The situation is more precarious among the local groups who had Welsh/British/European arms, none of which reported any involvement/communication on the Convention via this avenue (although this was the case generally for three of the four local groups on other matters of EU policy).

To set the CSOs' activity via the civil society route in context, it is worthwhile to state their parent groups' stand-alone Convention participation. Indeed, when looked at in this light, twelve of the total Welsh CSOs did have British/European arms that were directly engaged in the Convention. This stands in comparison to the seven Welsh CSOs who participated via the civil society route. Thus, it appears that participation has perhaps bypassed, possibly willingly, some of the interviewed CSOs in Wales. A lack of participation via this route comes down again to organisational structures and communication, and about where it is appropriate to engage with the EU. Many responses reflected the idea that Welsh, British and even European/parent bodies and networks should, and would, deal with a European event like the Convention. Accordingly, groups felt that as long as some participation was occurring, even if

it did largely bypass the regional level, this was more important than their group actually participating:

... we would probably tend to say that we would trust out partners to actually make our voice heard at that particular level. (Interview, religious group, 2003)

In terms of London, I would say definitely, in fact I am sure we did have an input on that level, because we have an European office there. (Interview, disability group, 2004)

Although groups did not discuss how they perceived the accessibility of the civil society route, a couple of observations can be gleaned. Access to the Convention via this route seemed largely, but not always, to depend upon the initiatives of the parent groups/network. Secondly, groups' communication structures did not seem to be as active as normal, which may be based on an assessment of the importance of the issues to the group. It must be remembered that the Forum brought in specific segments of British civil society. Finally, some groups seemed to acquiesce to with the idea that their parent bodies/networks should take on the subject of the Convention. This means that participation may well have been concentrated in upper echelons of organisations and would have hardly created a bridge with Europe's citizens. The lack of activities by the Assembly may have reinforced this, as the last chapter showed that the Assembly is where most organisations' EU policy-making contributions occurred. Cultural and pragmatic reasons seem to have narrowed the use of routes.

The Convention concerns held by Civil Society Organisations

Concerns among the interviewed CSOs differed to those articulated by UK Forum contributors, apart from the business group, and these concerns will now be outlined. The business group's concerns included the effects on the business environment and over-government. The trades unions' and women's group's concerns similarly discussed the effect/influence/discussions of the Convention on a policy area. The trades union promoted the social model and the women's group wanted gender equality to be part of the constitution. The intermediary and pro-European groups focused more on institutional/power issues. The

intermediary group wanted to secure provisions for regional civil society to input into EU policy-making processes. In the same vein, the pro-European group wanted the EU to be more transparent and accountable, to define competencies, improve the definition of the role of regions, address questions of legitimacy at sub-national level, allow for secession of regions and give EP a permanent home. This latter CSO's emphasis on institutions may be down to the nature of the group, which positioned itself on the Forum as a political interest, not as a civil society group. The other groups' interests cannot be defined given that their participation was only traced post-interview. Nonetheless, the concerns raised by the interviewed CSOs do appear to be appropriate to the Convention discussions.

The issues raised by CSOs on the Convention are a departure from CSOs' concerns in general EU policy-making in Chapter Five. The main concerns of CSOs in general EU policy-making consisted of regional policy, agriculture and employment. Thus, the failure of the Convention to engage in these issues of substance, excepting employment, may explain why there was less involvement among the interviewed CSOs in the Convention as opposed to general EU policy-making. The next section focuses more fully upon the role that civil society played, by looking at their strategies for the Convention and at what stages they tried to get involved, and whether they were reactive or proactive.

Strategies, timing and influence

Strategies and timing

As some of the civil society groups' involvement has only been gathered through secondary literature, it is hard to specify these groups' strategies. However, where groups have been involved via events such as conferences, this must be seen as a fairly reactive involvement. Indeed, there is a notable difference between the reactive and proactive interviewed CSOs. Among the participants with passive or indirect involvement, there are two who attended events (the Green/EFA conference and the Wales European Colloquium) related to the Convention. Two were marginally involved at the initiative of their CSO and one additional CSO participated via staff members' informal discussions with policy-makers (and information from its British/European parent groups). The

final group with indirect involvement attended the WEF and was more active, speaking at the Green/EFA conference. Thus, these strategies consist of usually one-off, informal and conventional methods of influencing the Convention. Moreover, it is debatable that they were trying to influence the Convention by attending these events.

Among the three proactive CSOs, actions were not purely strategic. One CSO sent a submission to the Forum simply because they felt compelled to and composed a document through the UK group because it needed doing. Both of these activities were written submissions to political institutions and are one-off, formal and conventional strategies. The fact that the group produced the Forum contribution out of a sense of duty demonstrates the role of norms in shaping CSOs' policy behaviour. The second group spoke to a range of policy-makers across levels, and held an event. Thus, this group had a multi-avenue strategy with more informal lobbying methods, recognising that:

... when it comes to policy things like that, it's more about influencing policy behind the scenes. (Interview, intermediary group, 2003)

Their lobbying content used information and clarity (and thus conforms to expectations raised in Chapter Five).

Finally, the last group engaged through lobbying calls from its ECSO, enabling co-ordinated action. This group focused on lobbying AMs, MPs and MEPs through email. They also made independent moves to lobby UK Conventioneers, following the EEAC meeting in May 2002. They argued their case by presenting both legal and rational arguments. Thus, they too had a more sustained involvement.

It is hard to discern the time-frame and any changes that groups experienced or underwent in their strategies following the different stages of the Convention, as no CSO referred to any of the different Convention stages, and CSOs' actions were largely not sustained. In comparison, the different Convention stages did alter ECSOs' tactics. The possibility cannot be discluded that some strategies may have changed, as one group was particularly active up until the draft constitution's publication. Nonetheless, the CSOs' participation in events (with the exception of the WEF) occurred during the debating phase and the Forum submission was sent at the end of 2002. Thus, many of the groups'

involvement happened after the listening phase, when civil society's formal input arose. These strategies also suggest that civil society in Wales' role in the process was in the main passive, involved as part of public debate and "consulted". The more active groups may have encouraged and facilitated public debate and contributed by bringing issues to the agenda. They also kept government in check and acted as lobbyists.

Influence⁴⁹

There seems to be agreement that using the Forum alone could yield little influence and with the large numbers of contributions it became an "intellectual dumping ground" (interview, UK civil servant, 2004; interview, ECSO, 2004). This was recognised by a WAG European Official and that is the reason offered as to why WAG did not submit a document to the Forum. This obviously limits any influence that the Welsh group had through their submission. A European Commission Official discussed the Forum's use in the Convention, describing how all the documents were read and summarised, common points identified and the representativeness of the organisations were considered. However, this did not equate to influence. Instead, as authors Berger (2004:8), and Shaw, Hoffman and Bausili (2003:17) concurred, civil society depended upon the more familiar strategies of personalities and contacts to influence:

It seems like the real influence taking or the activities of the NGOs happened like always and this means lobbying, having the right contacts and speaking to the right people. (Interview, ECSO, 2004)

... the council of European regions and Municipalities, well the President was Valéry Giscard D'Estaing, so you can imagine they had privileged access to the Convention as such or their input. (Interview, European Commission Official, 2004)

Thus, for the groups who spoke to the key UK Conventioneers – Gisela Stuart and Peter Hain – their activities could have had real influence. Such influence is obviously constrained by each Conventioneer's role, political preferences and the criteria discussed in Chapter Four for dealing with civil society. The women's group did partake in a large successful, lobbying action, started by its European group, and together with their European national and regional counterparts, "all

160 [Convention] members had emails from I don't know how many individual women and women's organisations all over Europe you know. Seven hundred all together, they have to take note then" (interview, women's group, 2004). Groups did however admit their involvement was constrained because Wales has a limited role in the EU.

The Convention concerns held by the participating CSOs were also partly met by the Convention; for example, the DCT kept the Member State veto in key business areas such as tax. Gender equality is also included in the DCT. The Convention did not secure provisions for regional civil society but instead the regional tier of government in the EU system is recognised in the DCT, together with a vague commitment to "maintain an open, transparent and regular dialogue with representative associations and civil society" (The European Convention, Art 46, (2), p 41). The pro-European group's concerns are partly met. The EU is made more transparent and open, and competencies spelled out, regional and local authorities are to be considered in applying subsidiarity in pre legislative and legislative acts (protocol para 2 and 4). The dual home of the European Parliament is not resolved and neither is the provision given to allow states to secede. This is to be expected given that Member States are the key players in the Union and want to remain as Member States. Thus, the Convention was only in part receptive to the interviewed CSOs' concerns.

Generally, it does seem that the influence that Welsh organisations did bring to bear on the Convention was slight and was limited by a relatively small degree of involvement. However, sections of European civil society did have some success in getting the Convention to take on board their concerns. For example, the setting up of a social working group occurred after massive NGO lobbying. In addition, some groups feel that these concerns have not been reflected in the draft, with the DCT taking on board and leaving out some of the NGOs proposals (Berger, 2004).

Which Civil Society Organisations were involved?

This section will analyse the kind of CSOs involved in the Convention and whether the CSOs from Chapter Five are the more active Convention CSOs? It will also further discuss groups' involvement both externally and within the organisation to ascertain the democratic roles groups played and to compare the

democratic characteristics from Chapter Four of the groups involved/not involved. The role of mobilisation structures will also be explored. This part shall conclude with a comparison with involvement in European policy-making generally to see how far the Convention reached out beyond the already engaged sections of civil society.

External involvement⁵⁰ and democratic role

The organisations in Wales that had external involvement were Wales-wide, with the more active participants representing pro-European, women and voluntary sector concerns, based for the most part in South Wales. The organisations less involved were similarly Wales-wide and based in South Wales, comprising the trade union, and disability, religious and international development groups. The less-committed groups provided some democratic functions: contributing to public debate, articulating the views of the marginalised (such as employees, the disabled and less developed countries) and mediating public opinion. The more-involved groups contributed ideas and notably in the case of women, articulated the views of the marginalised, mediated public opinion to political institutions and to European networks. One group who participated heavily in a Convention related event with policy-makers developed a communications interface, created a deliberative setting and encouraged public debate. Again, most of these actions were periodic, although the women's group's actions appeared to be more sustained. Perhaps more importantly, despite some elements of deliberative democracy being present, civil society appears to have acted mostly as a consultee or listener, concurring with a state of representative democracy.

Internal involvement⁵¹ and democratic role

The poverty and business groups were only involved in the Convention through their organisation's debates. The business group's UK branch required debate among the committee and feedback on the debate. This meant that the organisation facilitated debate and tried to gain views before creating policy. However, this was confined to the general council who represented members and groups. Another group's committee member's presence at a General Meeting, when a Conventioneer was also present, meant that there was an opportunity for

the group to get involved. These two groups were Wales-wide groups with one based in South Wales and the other having no fixed abode.

Amongst the groups additionally with external Convention participation, the more-involved three and the less-involved one mentioned their efforts to engage their members. The pro-European group had a discussion on their Forum contribution among the executive committee. The women's group also disseminated statements from their European branch to their members (who as groups were expected to pass the information on to their members). Finally the intermediary group ran related events and advertised an event through their publications, although it recognised that this had limitations due to members' resources:

Therefore you will get a certain percentage who recognise the need to be involved. There will be another percentage that whilst recognising the need to be involved, do not physically have the time or the resources. (Interview, intermediary group, 2003)

The religious group was aware of their European branch's Convention activities and some members were involved in the higher branches than the Welsh tier. Similarly one umbrella group and one charity, which were involved externally, reiterated this idea that consultation may have bypassed them and that activity had been concentrated higher up in their organisations.

Thus the level of internal involvement appears to have been mostly confined to one or two individuals attending events and committees, although members in one instance received information and in another, a group tried to discuss with members their European policy and events, with some limited Convention content. Therefore, in the Convention, it is questionable as to what extent these groups acted as a communications interface or as a marker of public opinion when grassroots activity was weak. Indeed, an MEP Conventioneer recognised the limitations of some civil society involvement in the Convention:

Small numbers of influential people within big organisations can you know be in a position where their organisation is to some extent a megaphone for maybe a quite particular standpoint or view. But it will all vary. It will all depend. (Interview, MEP/Conventioneer, 2003)

Democratic characteristics of Civil Society Organisations involved

In terms of democratic characteristics, the most active groups were two umbrella groups and one membership group and the least active were two charities and two umbrella groups. In the main, this demonstrates that umbrella groups were the most active in the Convention. They are also the groups who are more hierarchical and who have less volunteers and member/stakeholder participation than membership groups. Out of the charities involved, one possessed a problem with member/stakeholder participation their limited involvement consisting of staff members attending events, which suggests that it would not have had further participation in this instance. There was one actively involved membership group that was both voluntary and participatory.

Mobilisation structures

As mentioned above, when one of the groups tried to engage its members, it was hindered by a lack of resources. The level of CSOs' resources does capture part of the explanation behind groups' involvement as all involved interviewed CSOs, bar three, had staff. Those without staff either had other resources (entrepreneurial/expertise), or the lack of staff severely constricted their involvement. For example, one group without staff had a European expert as a member who found in his work that "there was quite a lot of activity going on in regard to the Convention, in various fora that I attended" (interview, pro-European group, 2004).

Comparison with general European Union policy-making

Were all the same CSOs engaged in the Convention engaged in general EU policy-making? All these groups, bar one, were engaged in European policy-making outside of the Convention. The one that was not usually involved did however, have very marginal involvement with staff attending the Green/EFA event on their Cardiff doorstep. This suggests that the Convention did not particularly reach out. Indeed, as will be discussed shortly, some of the normally EU-active groups were not participants in the Convention.

The CSOs involved in the partnership councils were also engaged, although one not directly through political means. The kind of groups active in this instance are again reflected in the practical conceptions of civil society held

by political institutions at all levels. For example, a CSO from Wales encountered difficulties in participating at the EU level precisely because it was not “European”.

Non-involvement and obstacles

Which Civil Society Organisations were not involved?

Most of the organisations that were not involved in EU policy-making are similarly not engaged in the Convention. In demographic terms this includes all of the local and regional groups, most of the groups outside of South Wales and all of the “Welsh” groups. Many of the involved groups did not perceive themselves to be engaged, thus demonstrating the frailty of their Convention connections. Of most interest are two groups who participate in EU policy-making but not in the Convention. They comprise one large Wales-wide group and one regional group and their reasons for not being involved will be explored next. The democratic characteristics of these non-involved organisations were also the strongest. They included five of the six total membership groups, who were particularly strong in membership participation and in being voluntary. Equally, given the local nature of most of these groups, they can be expected to be closer to the “ordinary” citizen. Thus, the non-involvement of these CSOs demonstrates that the Convention-civil society relations bypassed the grassroots and membership groups (who were more likely to be able to politically socialise members and involve them in their activities). However, the non-involved also included one charity, one umbrella and the statutory body, whom were less robust in membership participation.

Reasons for non-involvement and obstacles

CSOs’ reasons for non-involvement in the Convention overlap with the obstacles that they face generally in participating in EU policy-making. A fairly straightforward reason for non-involvement, which was also cited by some of the involved groups, was that they were not aware of the Convention. Indeed four of the Welsh interviewees had no awareness of the Convention prior to interview. Many of these groups were aware of the Convention via the media and had rather shaky knowledge of it:

But much of the information we have got hasn't risen above the tabloid level of Britain in Europe and Britain out of Europe; all that fairly sort of superficial rubbish on both sides. (Interview, trade union, 2004)

As many more organisations were aware than participants, it is evident that being aware did not result in CSOs internalising the Convention's work to their mission. Moreover, those groups who were aware of the issue via organisations were much more likely to participate than those who were made aware of the Convention through the media. Equally, no one mentioned the Convention's special mechanisms for engaging civil society bar the group that used the Forum. This suggests, as found by Lombardo (2003:33), that the Forum had not done much to advertise itself. It also points to the idea that the Convention's new mechanisms to engage civil society may have stalled civil society involvement by their novelty and some structural barriers.

Aside from awareness, some common themes developed among the non-participants, including structures and actor-specific reasons; namely the concern that groups wouldn't make much of a difference, a lack of previous experience and the broad nature of the issue which was outside their organisation's core remit:

I think you would like to see such and such and you know you've got as much chance as a snowflake in the equator. (Interview, community/heritage group, 2004)

A statutory body which might be interested in that trend, but for whom that trend is not really vital, is probably going to shy away from taking that up. (Interview, statutory body, 2004)

I don't think I have the experience and the language to have had a valid input. (Interview, environment group, 2003)

Warleigh's (2001) research echoes these sentiments, finding that NGOs "concentrate on dossiers which are crucial to their interests or to which they feel able to make a difference" (Warleigh, 2001:63). Groups also cited resources, such as personnel, money and time, as reasons for not getting involved. One group had only been created at the Convention's concluding stages. Finally, it must not be overlooked that the levels of devolution within organisations and

their identities may have had an impact. Indeed, amid both involved and non-involved groups, some CSOs articulated the idea that higher echelons of their organisation would deal with the Convention (three involved, two non-involved).

There are two deviant cases from general EU policy-making: one group who is more active in EU policy – the farming group and another much less involved – the language/community group. The farming group's reasons for not participating follow the same pattern as above, with concerns about resources and the nature of the issue (not being entirely relevant to their members). The farming group demonstrated a sense that they ought to have contributed:

... because you're focusing you know on trying to influence what you can today, it is difficult to find the time to deal with issues such as these which are important and you know have a much sorter of broader dimension than that which we are probably dealing with on a day to day basis. (Interview, farming group, 2003)

The language/community group brought up the idea that they couldn't make a difference. This last reason shows that for many of these groups, the EU is not seen as receptive to their views. In response to the reasons cited about the lack of relevancy of the Convention, non-involved groups did not seem to be aware that the Convention would discuss policies and also values (as well as constructing the EU's political environment) which would have relevance for all of them. This again reinforces the idea that coverage of the Convention did focus on the institutional issues, as identified by the analysis of Welsh newspapers. Finally, none of these groups shared the concerns raised by British groups in the Forum, suggesting that this might be another implicit reason for their non-participation. It may also be that groups who are engaged in Wales on European issues, but do not conceive of them as European issues, may have not got involved in the Convention because of its explicitly European character.

Obstacles facing engaged Civil Society Organisations

Among the involved groups, similar obstacles were encountered as to with the non-involved groups, thus constraining their participation. Internal material concerns such as time and resources (people and financial) were present and one organisation actually folded during this period. External structural concerns such as how could groups in Wales have an influence, lack of awareness of

events/Convention activities and recognition of the limited role of the Assembly as opposed to the UK government in the EU and how the perceived barriers towards regional civil society groups in the EU were also again mentioned. The perception of the Convention itself, together with how the media and the government presented it, and the more broad conceptions of Europe in the UK, were most commonly cited as barriers for civil society generally to participate:

It goes back to the way that government treated it ... I mean part of the issue for me is the way the government treats Europe, it turns people off. We have a right wing media who are so anti-Europe, it's unbelievable, yet the government do not do anything to counteract that really. (Interview, intermediary group, 2003)

... [On the Convention] too dull. (Interview, international development group, 2003)

I must admit we almost see Europe as a means to an end in Wales, because we can get the funding because we qualify for it. (Interview, disability group, 2003)

Well I think they [other civil society groups in Wales] ... don't think it concerns them, I think they are conservative with a small c and defensive. But primarily they don't see the relevance of it. They would see the Convention as something which is remote and distant and not something really for them. (Interview, pro-European group, 2004)

The constitution is totally stratospheric stuff as far as these people [WEC members] are concerned. (Interview, WEC Official, 2004)

Policy-makers articulated similar views regarding obstacles to CSOs participation in general EU policy-making. Three policy-makers pointed to the internal resources of organisations as important in constraining CSO's participation but policy-makers placed a greater emphasis on time, money and expertise. The Convention's nature was also seen as a constraint: "people are bored by it; it's not a sexy subject" (interview, European Commission Official, 2004). The cultural tide of Euro-scepticism also may have restricted participation, as well as reducing government activity. One policy-maker reintroduced the informal norm that civil society should be engaged in the UK, not in the EU. The European Commission Official also mentioned that administrations needed resources to enable civil society participation and that

one can never have perfect consultation. This was coupled with recognition of unstable temporal factors that may have impeded the structures for CSO to input: that the European Commission Office in Wales was without a Head during most of the Convention period and Wales's European arrangements were still bedding down following the WEC dispute.

The general lack of structures for civil society to input, particularly in Wales and the UK, may have also acted as an obstacle. However, the recent WEF did provide an avenue for influence and the AM and WAG Officials interviewed stressed that the lack of structures was not intentional. Instead they concentrated on the regional issue to have an input, with a lack of opportunities for regions in the Convention generally:

I think in the circumstances you probably could have been seen as a bit fatuous of us to have organised, to have taken the debate to the people of Wales when the basis of our own contribution was quite a while, not clear. (Interview, WAG Official, 2004)

Power vis à vis the UK government may be a reason why the Scottish Executive and the Scottish Parliament did consult with its civil society on the Convention. The Scottish Executive has greater powers and thus is in a stronger bargaining position than Wales with the UK government. Since its act of union with England, Scottish institutional autonomy in Scotland has helped to maintain a Scottish civil society, unlike in Wales. Scotland also has a different legal system and as an MEP pointed out, this gives Scotland its own "internal legal constitutional dialogue" (interview, MEP 2003) on which things like the European constitution would impinge.

Satisfaction with outcome and involvement

Among the groups who were not involved, six groups when asked, would have desired participation. Only one non-involved group did explicitly not want to get involved, with another two of the involved (whose involvement was only discerned posthumously) did not desire any engagement. However, this does suggest more could have been done to engage civil society in the Convention. One recurring theme here was that groups expected such issues should, and

would, be dealt with higher up within their organisation, and this was also articulated by the involved groups:

If the [European and International branches of the organisation] had any input into it then really whatever we would have said would have just been repeating it ... if you have too much consultation then I think you can't see the woods from the trees and you know if people are merely repeating the points that other people made more succinctly then all you are doing is clogging up the system. (Interview, environmental group, 2003)

This was mainly the view of those CSOs with British parent bodies.

A couple of the groups also shared and approved of the concerns taken to the Convention by the WAG, concerning the improvement of the status of regions in EU policy-making. This showed that the WAG approach carried the approval of some of the groups but, as many of the other non-involved groups would have been concerned with specific clauses or policy areas, these concerns were not addressed by WAG's approach.

Policy-makers had mixed reactions to the Convention depending on how they viewed its purpose, and there was disagreement over where the responsibility lay to engage civil society: with the onus passed to and from the Member State to the Convention. However, there was a sense among many that the Convention was better than an IGC. In the end, there is no disputing that civil society's constituents – the general public – were not reconnected to the EU as a result of the Convention. The results of Eurobarometer survey, conducted just after the Convention ended in 2003, demonstrate this well.

Immediately following the Convention, Eurobarometer found that the UK had the lowest awareness of the Convention among the old and new Member States, with 75% never having heard of it (EOS Gallup Europe and Eurobarometer, 2003:7). In contrast, 55% of the fifteen old Member States of the European Union were unaware of the Convention (EOS Gallup Europe and Eurobarometer, 2003:7). Initial awareness did not mean, as in the case of some of the CSOs, that they fully comprehended what the Convention entailed, with only 50% of those aware of the Convention actually knowing that the Convention produced a DCT (EOS Gallup Europe and Eurobarometer, 2003: 10). In the UK, 26% were not satisfied with the work of the Convention and

32% satisfied (EOS Gallup Europe and Eurobarometer, 2003:32). The Eurobarometer also concludes that awareness is a positive factor influencing satisfaction. However a follow-up survey shows that UK awareness decreased to 17% in October 2003 (Taylor Nelson Sofres 2003:4).

CONSEQUENCES FOR DEMOCRACY

Large Wales-wide and umbrella organisations were dominant in both the Convention events detailed and among the interviewed CSOs who participated in the Convention. This is slightly problematic some notions of democracy and bringing input legitimacy to the EU, given that such organisations have the weakest member/stakeholder participation and are more likely to be bureaucratised and have staff members. The involvement of these umbrella organisations evokes corporatist relations. Yet policy-makers may need to reduce the numbers of CSOs involved in policy activities to create a “simplified external environment” (Dunleavy, 1982: 185, cited in Lewis 1990:65) and simply get things done. Moreover, large CSOs are more likely to have the necessary resources, knowledge and specialisation to be able to engage in EU affairs. Thus, although the participation of large umbrella groups is problematic in one democratic sense, at least there was some participation by groups which could possibly lend democratic legitimacy to the Convention.

The kind of involvement that CSOs had in the Convention illustrates that groups did carry out a range of tasks that aided democracy. CSOs were able to contribute to public debate, articulate the views of the marginalised, mediate public opinion and keep government in check, organise public debate, be a communications interface, bring issues to the agenda and suggest ideas. However, these tasks must be qualified in that involvement was mostly passive or reactive, with many of these functions conjectured from groups’ attendance at Convention-related events. Secondly, even among the more actively involved, only one group had a more sustained involvement.

The internal discussions of groups with their members and staff on the Convention were limited, as they were confined to committees or to one or two individuals. There were two exceptions where CSOs passed information to their members and one of these tried to actively engage them. This limited internal participation on the one hand reduces CSOs’ ability to articulate the views of

their members or indeed the public to the Convention. On the other hand, CSOs allotted role to describe and translate the Convention's work back to the citizens is similarly curtailed by a lack of member involvement.

The lack of involvement by CSOs may best be described as a reflection of public opinion. Groups, like the general public, were not sufficiently aware or interested in the Convention to take it to heart. The Convention did not reach very far out beyond the CSOs already engaged, with only one additional CSO who did not normally engage in EU policy-making participating in the Convention and two CSOs engaged in EU policy-making not taking part. Perhaps most disconcerting is that many of the non-involved groups would have liked to be participants, notwithstanding the obstacles. Thus, the Convention may have missed out on potential alternative sources of legitimisation. The limited level of CSO participation does reduce the prospect of the Convention having corporatist relations with CSOs from Wales. In other words, in the face of the empirical evidence it would appear to be highly unlikely that any CSOs from Wales were involved in the thick of the Convention's decision-making (although this may have been the case among a few ECSOs). Muted corporatism instead rears its head due to CSOs being unaware of the Convention and consequently indirectly excluded from it.

The democratic concerns discussed thus far generally focus upon the supply-side potential of civil society. What about the demand-side – that of government structures; were they open to civil society? CSOs' opinions as to whether the Convention was accessible or not were divergent, which again seems related to levels of knowledge about the Convention's special mechanisms in the first instance. However, for one group, the conception of civil society articulated by the EU of "European" groups, acted as an obstacle impeding their Convention involvement. In terms of receptiveness to groups' concerns thereby creating ownership over the constitutional document and fostering satisfaction, it appears that only some of the concerns articulated by the civil society groups in Wales actually made it through to the draft. Obviously not all of civil society's concerns could be taken on board but the tremendous effort, described by the women's group, of getting one clause into the treaty demonstrates the CSOs' difficulties.

In terms of the kind of democracy that civil society's involvement conjures up, it creates a picture of representative democracy. Although the Convention was more transparent and also more accountable than its IGC counterpart, the Conventioneers were very much in the driving seat of the Convention (who were all elected politicians/or European bureaucrats), with some measure of participatory democracy via the Forum. Civil society's participation instead appears largely confined to a consultee. However, at the European level the participation of ECSOs – many of whom were licensed and sponsored by the European Commission – does suggest some measure of corporatist relations. Nonetheless, without such local and broad participation by civil society in the EU's constitution-making process, the legitimacy of the Convention's draft constitutional treaty is compromised.

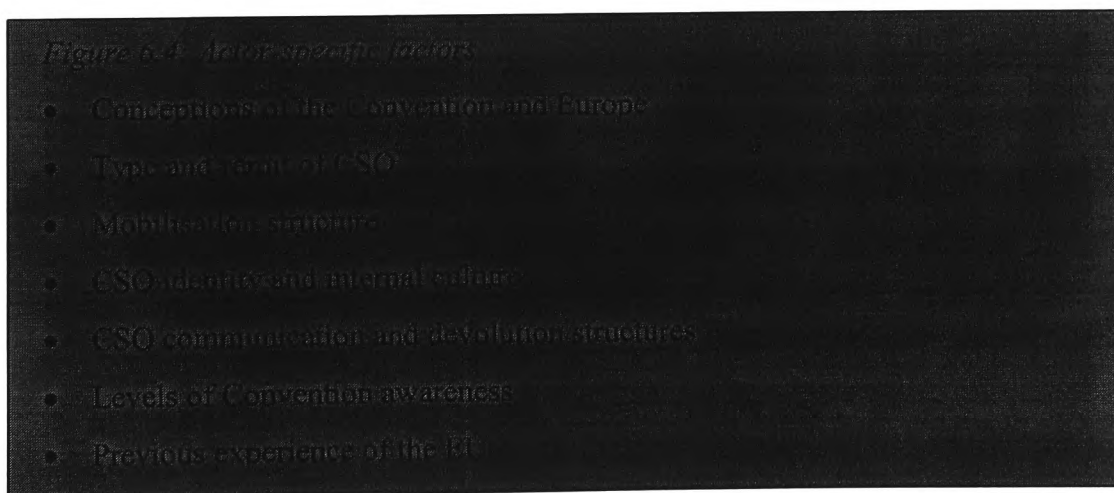
CONCLUSIONS AND REFLECTIONS ON THE UNIQUENESS OF THE CASE STUDY AND THE POLITICAL OPPORTUNITY STRUCTURE

The Convention illustrates the importance of the Assembly and its government in generating policy discussion on things European amongst civil society. The Assembly's role in the POS appears to have shaped civil society's participation. This is demonstrated by the cluster of civil society activity at this level in the last chapter and by the comparative lack of civil society activity around the Assembly on the Convention. This suggests that the Assembly has been successful to some extent in generating a civic society around its structures and partly confirms Osmond's (2003) views. It further suggests that the Assembly has been successful in mainstreaming much of EU policy. However, in issues of high politics, with little legal/procedural remit for the regional assemblies, the POS was closed to the National Assembly of Wales. In consequence, one of CSOs in Wales' staple EU avenues was closed.

In terms of the impact of the unstable POS, some aspects seem more relevant than others do. Political alignments are hard to pin down as regards groups' activity. The media coverage and concentration of specific sectors and knowledgeable groups in the Forum may partly explain the lack of involvement of the interviewed groups. Other issues, particularly continued debate around the Euro, might also explain limited participation, as it continued to dominate the UK's European agenda.

Groups were divided among the Convention's access and openness, reflecting their limited involvement in the first place. Amongst those who did have dealings with the Assembly, the Assembly was recognised as accessible. The EU institutions were viewed by the one group who went to those institutions as difficult to access. This negative view stands in opposition to the favourable opinion articulated by the pro-European group towards the Convention Forum as being extremely accessible. The policy-makers' view that civil society activity should occur in the Member State was again re-encountered in the context of the Convention. This in part explains the underused parts of the institutional POS – such as the Forum by Welsh CSOs. These statements also partly demonstrate the importance of both formal and informal aspects of the POS in structuring CSOs' activity in the Convention.

Cultural- and actor-specific concerns also appear important in explaining activity. This is evident in that some CSOs were able to participate at all levels, demonstrating that these CSOs were not entirely constrained by structures. Therefore, actor specific factors such as CSOs' conceptions of the Convention and Europe, together with CSOs' identities, mobilisation, communication and devolution structures provide, part of the explanation behind the CSOs in Wales' role in the Convention.



The nature of the Convention, its broad remit, novel procedure and its structures do seem to have set it outside of the general set of EU policy-making. In particular, many groups do not seem to have understood the relevance of the Convention, as is the case in EU policy-making more generally. In the case of

the Convention, its broadness, coupled with media coverage and perhaps with how the Convention ran and its focus, may have resulted in a lack of engagement. In terms of continuity with other EU policy-making, groups did acquiesce here that their networks/parent groups should and would be engaged at the Convention Brussels' level. However, engagement was much weaker by groups on the Convention than general EU policy-making and coalesced around the more informal side of events. CSOs' repertoire of strategies was less diverse and less pre-divined, but did all remain within the confines of conventional acceptability.

In sum, the Convention represented a departure from other methods of EU policy-making at both the EU level and at the sub-national level of civil society in Wales. Exploration into this case study illustrates that Political Opportunity Structures alone do not shape CSOs' activities, but that CSOs' actor-specific factors also play a role. When exploring CSOs in Wales' engagement in EU policy-making, attention must be focussed on CSOs' organisational structures and cultures as regards where it is appropriate to engage in EU issues, in order to understand CSOs' behaviour.

CONCLUSION

This thesis has sought to explore civil society in Wales' role in post-devolution EU policy-making processes through the case study of the Convention and within the context of general EU policy-making. The previous chapters discussed the nature of civil society's role, the factors conditioning civil society's EU policy-making role and the consequential democratic implications of this role. Previous chapters have analysed both the primary empirical evidence conducted for this study and also documentary and academic literature. In these chapters it was demonstrated that further research was needed into sub-national civil society's role in EU policy-making and the Convention, together with analysis of the democratic contributions of civil society's role, warranting this thesis' research. This concluding chapter firstly synthesises previous individual chapter conclusions to answer the key research questions and situate the findings within the literature. Secondly it reflects on how the research could have been improved, and indicates areas for future research.

ANSWERS TO THE RESEARCH QUESTIONS

For analytical clarity the research questions are broken into three parts and each part will be addressed in turn:

- a) What role does civil society in Wales play in EU policy-making?
- b) What factors shape civil society in Wales' role in EU policy-making?
- c) Is civil society's role in EU policy-making democratic? Does it aid the EU's democracy?

What role does civil society in Wales play in European Union policy-making processes?

This question addresses the key research question and also the following secondary research questions:

- How do the post-devolution Welsh, British and European institutions that are involved in EU policy-making compare in their relations with civil society?
- How, why, where, when and which civil society in Wales does and does not engage in EU policy-making?

Where is civil society involved in European Union policy-making?

In Chapters Five and Six it was shown that CSOs participated in EU policy-making through both political and civil society avenues. The findings show that in general EU policy-making, some CSOs did participate across multiple Welsh, British and European political avenues, thus demonstrating the presence of some MLG, and that some CSOs recognised the need to influence multiple avenues (acknowledged at the beginning of Chapter Five). However, CSOs' interaction in general EU policy-making, is concentrated around the Assembly and in Wales. This lends some weight to Osmond's (2003) argument of a post-devolution Welsh civic society being formed and centred on the Assembly. Equally, the concentration of activity at the Assembly demonstrates the importance of the Assembly in structuring Welsh-EU relations.

Much of civil society's interaction in the EU policy process at the Welsh level consisted of formal relations, such as contributing to consultations. However, *informal* activities were also important, with the some interviewees drawing a picture of a close-knit Welsh political community and personal contacts being important in Welsh politics (Betts, Borland and Chaney, 2001:65-66). CSOs recognised the necessity of speaking to key Assembly actors, the importance of which was also demonstrated in the POS described earlier in this chapter. Moreover, CSOs' activities in general EU policy-making were not necessarily embarked upon with a concern to shape "EU" policy, but to engage with what is going on in Wales, thus giving rise to the notion that EU policy-making is subsumed in everyday work with the Assembly.

CSO links with European representatives in Wales were mostly with MEPs and the European Commission Office in Wales. There was a widespread lack of awareness of other European representatives in Wales, such as representatives of CoR and ECOSOC. This suggests that opportunities in the policy chain were underused. Groups had fewer interactions with MPs and

Whitehall departments than with AMs. This matches the findings from the interviews with policy-makers, as the AMs and MEPs had the most dealings with CSOs.

The political routes used by CSOs in the Convention did differ from general EU policy-making. A lack of Assembly opportunities for CSOs (as described at the start of Chapter Six) resulted in a CSO activity being less concentrated around the Assembly. Also, six CSOs engaged across different political avenues, which comprised the better-known paths of MEPs, the European Commission Office in Wales and MPs. Thus, CSOs' Convention activities indicate the existence of some MLG. However, it is important to stress that much of the Convention participation of CSOs' and more so with general EU policy-making participation was informal.

In terms of participation via the civil society route, it was demonstrated in Chapter Five that this participation was far from uniform, and was partly related to the degree of devolution and the identity of an organisation. Moreover, CSOs had different relations with parent groups and networks depending upon the level at which their parent group and/or chief network resided and whether their parent group was at the Welsh, British or European level. This route was used more heavily by the CSOs with European and International parent groups/networks and to some extent by Wales-wide CSOs with British parents, with only one local CSO was involved in this process. Again this route has potential for further use by the CSOs. Instead, most Wales-wide groups with British partners and the local/regional CSOs were largely content to contract out the bulk, if not all, of EU policy-making and to leave the liaison with European networks to their British partners. Such findings concur with Warleigh's (2001) and Fairbrass and Jordan (2002)'s research where the smaller groups contract out EU participation to their higher organisational branches. Finally, two groups were members of WEC and this seemed to be an important avenue for being alerted to EU policy-making and providing capacity to engage in the process.

In the case of the Convention, CSOs did participate in the Convention via parent groups and networks. Indeed, some of the CSOs' initial awareness of the Convention was triggered by their networks, and in particular, the CSOs with International and European parent groups engaged in this way. Again, this route seemed to bypass the Welsh groups in the Convention, with twelve of the CSOs

having parent groups that did participate in the Convention, with only seven CSOs in Wales participating via their parent groups/networks. Many responses reflected the idea that Welsh, British and even European/parent bodies and networks should and would deal with a European event like the Convention.

When do Civil Society Organisations engage in European Union policy-making?

As Chapter Five outlined, the stage that the EU policy process is at, determines when the different political actors are involved and the nature of their involvement. Thus it could be expected that the previous discussion about where CSOs engage in EU policy-making would lend itself to the stage at which they engage. There is some overlap, for in general EU policy-making CSOs were mainly engaged when the Assembly was discussing EU Directives. Involvement at this stage limits CSOs' influence over the shape of policy, as Chapter Five revealed; the stage with the potential for most impact is early in the policy-making process. Some policy-makers also viewed CSOs' participation as occurring too late. However, regional policy was an exception with groups being drawn into WAG consultations before the policy has been decided. Outside of regional policy, four groups mentioned their involvement in decision-making and formulation stages. Some groups also had informal longer-term relations with EU players.

The Convention, as described by Chapter Six, had neither the same players nor process as in general EU policy-making. Much of the CSO's participation through events and forum submissions largely occurred after the intended stage for civil society formal input, during the debating phase. However, civil society participation in the Assembly's deliberations on European Governance did occur before the Convention's listening stage.

Why and with what policy issues are Civil Society Organisations concerned, and are these raised at the appropriate political levels?

The kinds of EU policy issues with which groups are concerned, cover a range of areas, as Chapter Five describes. The political levels at which issues are raised generally are appropriate, although there are some issues raised at the Welsh level which would be better raised at the UK or European levels. Significantly, some of the non-involved groups are concerned about issues that do have some

EU substance, suggesting there is a need for these groups to engage in EU policy-making. Most groups did not perceive that the issues they were dealing with were specifically Welsh but rather that the issues were local, although there were some issues that had a more distinctly Welsh dimension. However, the conceptualisation of such issues may be down to how CSOs are structured and the degree of organisational devolution and political affiliations. This finding does however question the need for CSO involvement in EU policy-making purely on a Welsh platform, and instead points to the need for local involvement.

The concerns articulated by the CSOs in the Convention partly deviate from the broad issues raised in EU policy-making, with notably, regional policy and agriculture off their agenda. Moreover, unsurprisingly for a case study, the CSO's Convention concerns are more specific. Three groups discussed the effect/influence/discussions of the Convention on a policy area (business, employment, women and social policy) and two more focused upon institutional power/issues (European governance). Thus, the issues raised by the groups do have some crossover with the ones raised in Chapter Five.

How? What strategies do Civil Society Organisations use to engage in European Union policy-making? Are these the strategies that Civil Society Organisations should use?

Once more the strategies for participation are part and parcel of when and where, CSOs are involved in the EU policy-making process. However, in general EU policy-making, the involved CSOs stressed that the strategies they used depended on the issue at hand. Nonetheless, the more actively involved groups did acknowledge the need to influence a range of actors across governance levels. There was also recognition of different methods for different institutions, for example email was appropriate to contact AMs but inappropriate for MPs. Longer-term relationship building with policy-makers complemented issue-specific strategies. Both policy-makers and CSOs called for framing CSOs' issues in policy-makers' language and interests and for precision and provision of information and options, as Ruzza (2002) suggested. In line with this, groups outlined a range of acceptable methods that they used to influence policy-making. Only one non-involved group engaged in any non-violent direct action; however this CSO did not see any use in engaging in EU policy-making.

For the Convention, some of the CSOs' strategies are hard to discern, but the reactive and proactive CSOs differ. The reactive CSOs' participation occurred through indirect involvement, usually through attending an event. These strategies were normally singular, informal and conventional methods of influencing the Convention (although it is debatable that this participation was initially designed to influence the Convention). The proactive CSOs all had a multi avenue strategy. Therefore, the Convention strategies did differ in that activities were not clustered around the Assembly. However, the conventional use of strategies did not differ.

Are Civil Society Organisations' strategies influential in European Union policy-making?

Influence of CSOs in EU policy-making generally hinged upon which policy-makers they spoke to, the policy-makers' views and criteria towards groups. The policy-makers also preferred conventional strategies and could point to instances where CSOs had influence. The CSOs felt that their influence varied with the issue and that they had most influence with the Assembly.

In the Convention, the CSOs' interviewed influence was limited, given their small level of activity on the Convention. Instead, influence seemed to hinge upon the right personal contacts. Some of the proactive CSOs could have had influence as they conjoined with European networks and spoke to UK Conventioneers. Nonetheless, civil society as a whole in the Convention did have some instances of influence. Yet as Chapter Six described, there was a range of other players at work influencing the Convention's course, with civil society on the margins of the Convention.

Which Civil Society Organisations are engaged in European Union policy-making?

In terms of sectors of CSOs, the policy-makers engaged with a host of CSOs in the broad swathe of EU policy-making. Notably, several policy-makers mentioned representations from the voluntary sector. Farmers, women's groups and social partners were given as examples of effective CSOs in EU policy-making. These sectors matched largely with the CSOs who were involved in EU policy-making in the research sample. The CSOs who were not mentioned

comprise those for the most part less involved in EU policy-making: the cultural/linguistic, international development, poverty and religious groups. However, the most involved groups did not see EU policy-making as taking up much of their overall time, showing the limited amount of involvement in relation to their general work.

In terms of the geographic base of groups, all of the engaged CSOs were Wales-wide groups, bar one that had the least amount of involvement with EU policy-making (being fairly intermittent and also mediated). All the Welsh CSOs with European/International parents were also involved. The geographical base may play an important role since only two of the involved CSOs' were not based in South Wales.

Did the CSOs engaged in EU policy-making concur with the civil society discourses entertained by the political institutions involved in EU policy-making? The normative and to a lesser extent functional conceptions of civil society held by the Assembly and the UK policy-maker do not fully correspond to the CSOs actually engaged. Instead, the practical criteria held by the political institutions have more weight with established, large and representative bodies comprising largely the CSOs engaged in EU policy-making.

The CSOs engaged in the Convention for the most part share the characteristics of those engaged in EU policy-making, with only one additional CSO engaged in the Convention and two who participate in EU policy-making in general not engaging. All the CSOs involved in the Convention were Wales-wide and mostly based in South Wales, and comprised the following sectors: pro-European, intermediary, women, trade union, business, disability, religious, international development and poverty. The marginal involvement of only one CSO not involved in general EU policy-making suggests that the Convention did not particularly reach out to wider civil society.

The groups not involved in general EU policy-making comprised the entire small, local and regional groups, bar one. Again, most were not based in South Wales, indicating that geography plays a role in shaping participation. Three Wales-wide groups were also not involved. The non-involved CSOs were for the most part the same CSOs that did not participate in the Convention. The CSOs which were involved in EU policy-making generally, but not the Convention, included one regional group and one Wales-wide group.

Obstacles and reasons for Civil Society Organisations' non-involvement

Reasons for non-engagement largely revolved around obstacles, with five of the seven non-involved CSOs in general EU policy-making and six of the non-involved CSOs in the Convention wishing they could have participated. This section will focus largely upon obstacles. This section may also demonstrate some of the salient factors shaping participation.

The POS in Chapter Five demonstrated that there were a number of barriers facing civil society groups as regards engaging in general EU policy-making. These included a number of structural barriers, such as the Assembly being closely nested with the UK government, the closure of much of the UK-EU machinery to the public, UK closed policy communities around departments and no formal UK arrangements for Welsh voluntary groups to input into policy. Secondly, the political institutions articulated different discourses of civil society, but across the board there was a practical preference for established groups with expertise. In particular, the EU conception of civil society as "European" would be expected to constrain CSOs in Wales.

Both policy-makers and CSOs flagged up some of these external obstacles. For example, the limited role and place of Wales in EU policy-making made groups question whether they could make a difference. There was a lack of awareness about the complex EU policy-making process, as outlined in an entire chapter in this thesis. Similarly, some CSOs pointed to a lack of structures in place to gather or take forward the CSOs' views. One group and one policy-maker moreover mentioned the EU conception of civil society as European, as being a constraining factor. The general cultural climate in the UK towards Europe also mitigated participation together, with the fact that "Europe" is physically far away. Another CSO mentioned how the way that EU Structural Funds had been dealt with in Wales had further hindered participation.

Both CSOs and policy-makers most readily identified the internal obstacles of CSOs' material and human resources. The kind of organisation, its identity and role in some instances also acted as an obstacle, with other higher branches of the organisation intended to deal with EU issues or EU issues not seen as relevant to a CSO's work. Moreover, one CSO also felt the lack of direct experience and links with Europe among its staff acted as obstacles.

The Convention on the other hand did have relatively open structures at the EU level. However, as Chapter Six described, at the Welsh level the Convention was not very open to regional input, resulting in the Assembly focusing on regional power concerns and being very tightly nested to the UK government, thus limiting civil society's usual avenue into Europe. The UK government similarly focused on institutional concerns had no economic and social committee and Euro-scepticism may have curtailed widespread debate. At the European level the EU discourse of civil society came back to haunt the Convention both in terms of practicalities and the ECOSOC's civil society meetings. Similarly the European level structured civil society's formal input so that it came late in the listening stage, only once appearing relatively early on in the Convention.

The unstable POS discussed in Chapter Six showed that event opportunities as selective regards to civil society and not necessarily focused on the Convention. The UK forum contributions demonstrated that specific sectors of civil society were involved and they had used expertise to contribute to the debate. Similarly, the forum contributions identified other UK devolved administrations intending to bring in civil society views through their regional government representation. There was also a range of other issues with which institutions were dealing at the time, thus curtailing their Convention involvement.

The CSOs' obstacles included a lack of awareness about the Convention, a limited knowledge of the Convention (many did not internalise it to the work of their organisation), implications of unfavourable media coverage and a cultural Euro-sceptic climate. There was no mention of the Convention's special participation mechanisms, bar the CSO who used one of them. Concerns that CSOs could not make much difference and the limited role of the Assembly were expressed, as were internal limitation such as personnel, money and time. The broad range of the issue of obstacles was however distinctly mentioned by both policy-makers and CSOs as a constraint, as it was outside of CSO's remit. This shows perhaps how "European" the Convention was and how other European issues become domesticated when placed in their specific sector. These reasons did appear to be the case for the strongest anomaly – a CSO actively involved in EU policy-making generally, but not with the Convention, who saw the

Convention as outside of their core work. The other anomaly – the language/cultural group – questioned how they could make a difference to the process. Other obstacles that interviewees highlighted were actor-specific temporal factors.

What factors shape civil society in Wales' role in European Union policy-making?

Chapters Two and Three showed how institutions and actors understand/articulate civil society and how democracy partly shapes civil society's role in policy-making. Chapter Two built this assertion upon the trend in civil society theory that recognises the role of the state in organising civil society. Moreover, since there are different ideal types or perspectives on both civil society and democracy which have different implications for the role and shape of civil society in policy-making, Chapter Two argued for the essential exploration of institutions' and actors' conceptions of democracy and civil society. These institutional and actors' conceptions were framed as the discursive component of the political opportunity Structure in Chapter Three.

Chapter Three also argued that the POS alone cannot shape civil society's role but that groups must realise the POS. Therefore, the rest of the thesis explored actor-specific variables of which mobilisation structures are a part, as well as the POS, when describing civil society's role. Chapter Three expanded upon traditional approaches to POS, by introducing the concept of nesting and proposed that the POS consisted of stable and unstable components, institutional structures, and informal procedures and prevailing strategies. Also demonstrated was the applicability of the POS to the research area, which crosses policy domains, is contextual and can be used in relation to the EU.

The literature and documentary analysis at the start of Chapters Five and Six demonstrated the structural barriers facing civil society in Wales' involvement and where civil society should input in the face of this POS. It also demonstrated that it was a multi-level POS, rendering some MLG possible. The Convention was fairly open to European civil society; however, the POS available to CSOs in Wales was fairly closed.

Chapter Four explored the discursive aspect of the POS in more detail, analysing to what extent institutional discourses are shared by individual policy-

makers and in turn providing some estimation of the extent to which institutional discourse can structure civil society's role in EU policy-making. The civil servants in particular appeared to share their institutional views on democracy and civil society; thus some structuring along institutional discourse lines can be expected. Moreover, it highlighted that representative democracy was prime among civil society and that there were different views held by policy-makers at different levels. Notably, among the Welsh and UK policy-makers there was a lack of mention of community. Generally, policy-makers more frequently mentioned the practical criteria placed upon civil society in institutional discourses. The chapter also demonstrated the role of political alignments in shaping politicians' conceptions and suggested that institutional analysis might be less appropriately applied to parliaments than to bureaucracies.

Did the POS affect the behaviour of the groups in general EU policy-making and in the Convention? Did the discursive part of the POS aid explanation? Chapter Four exposed the practical component of the institutional discourse appeared to be more salient in general EU policy-making, with the focus by Wales and the UK on large groups with established relations. Indeed, the normative and to a lesser extent the functional conceptions of civil society, in particular at the UK and Welsh levels, did not fully correspond to the groups that are actually engaged in EU policy-making. However, there is some crossover, with the functional and normative conception of the civil society at the EU level in representative bodies being involved. Some crossover with the wide functional definition of the Assembly, applies to civil society, comprising of public, private and voluntary groups. Similarly, the groups engaged in Convention, more strongly matched the practical criteria than normative/functional conception of civil society in institutional discourses. This was suggested in the literature analysed in the beginning of Chapter Six and was evident in the empirical analysis with the large, established groups, with some European knowledge in the interviewed sample generally participating. In particular, the "European" aspect of the EU's practical civil society discourse raised its head. This presented a barrier to one of the CSOs, to conclude their Convention activities with political institutions at the European Union level. The broad gambit of CSOs included in the EU's functional definition means that there is a match between these kinds of CSOs involved in the Convention.

However, the UK and Welsh emphasis in particular on community groups does not correspond with the kinds of groups involved. It may be that normative aspects of civil society are harder to trace. Nonetheless, aspects of civil society discourses do appear to have affected behaviour as outlined above. It may be the case that the British and Welsh normative conceptions of civil society do not extend to issues of high politics. Moreover, the fact that civil society is largely envisaged by policy-makers as working within a representative democracy may help explain the limited extent of most CSOs' participation in EU policy-making

Specific sectors of groups were also mentioned by the policy-makers as being more successful, and this seems to be backed up by the idea that different sectors have different levels of EU competency and devolved content. However, as the POS suggested, access was most readily found in the decentralised structures of Wales, with many European issues being subsumed into the Assembly's general sectoral work and consequently most activity is found around here. As expected by the institutional POS, the UK institutions were less easy to access and fewer groups tried to engage here. This was backed up by some policy-makers' informal norm that civil society *from* Wales should be dealt with *in* Wales. Still fewer groups went directly to the EU level and the fact that civil society groups in Wales were not European groups limited these groups' influence. The cited obstacles of a lack of Welsh power vis à vis the UK government in EU policy-making also lend themselves to the POS structuring civil society's role. Moreover, simple geography may act as a barrier, with most of the involved groups being based in South Wales.

In the Convention, the avenues diverged from general EU policy-making. Chapter Six described how the Assembly was closely nested to the UK in the Convention, limiting civil society's participation. This did seem to have some validity, with much of the CSOs under study instead not going through the Assembly in comparison to general EU policy-making. The CSOs who discussed their Convention activity with other political actors did find most of these to be accessible. However, the hurdle of not being a European actor was re-encountered when accessing the EU level, and policy-makers believed civil society groups in Wales activity should once more be concentrated in the Member State, thereby constraining its role, given the lack of opportunities at the UK and Welsh level for CSOs. However, it is difficult to ascertain whether

CSOs' access reflected the POS, given that this activity was not widespread and sometimes not articulated by CSOs. Instead, a lack of awareness about the structures and novel Convention avenues implicitly reduced activity. Here the cultural climate as referred to in the unstable aspects of the POS in the form of media newspaper coverage would appear to provide a better explanation of civil society's non-activity, particularly since more CSOs would have liked to have been involved. However, the presence of similar structural obstacles in general EU policy-making was raised, showing that structures did constrain action.

Mobilisation structures in particular have a lot of weight in explaining civil society's involvement, and this was frequently cited as an obstacle in general EU policy-making. Indeed only three of the engaged did not have any staff, two of these three could deploy other resources, and for one group it meant their demise. Engaged CSOs frequently had entrepreneurs who were connected to other organisations. This was also the case among the CSOs involved in the Convention. The non-engaged CSO in the Convention which participated in general EU policy-making provided anomalies, and here structural concerns about the perceived inability to influence as well as the broad nature of the Convention placing it outside of the CSO's core remit were raised. The nature of the Convention was raised as an obstacle among groups not participating, thus setting the Convention outside the box of general EU policy-making. The non-engaged staffed CSOs who were organised at a Wales level were anomalies and here actor-specific reasons related to internal cultures around the degree of devolution, and agreement over where the European agenda should be pursued. These actor-specific reasons were also important in explaining the extent to which groups were able to engage in EU policy-making and the Convention via other civil society actors. Policy-makers also stressed it was up to CSOs to make the most of structures in general EU policy-making.

This thesis instead highlights a host of factors, demonstrating the importance of understanding the structural POS context, and in agreement with Marks and McAdam (1996) recognises that CSOs also have to realise opportunities whilst actor-specific variables affect participation. Similarly, the importance of the cultural context in terms of media coverage and views toward the UK, Wales and Europe, in shaping participation has been demonstrated. Thus Wallace's (1997:13) assertion that: "Opportunities to participate are not so

much determined by the structures of the policy process as by the information, resources and credibility of particular groups or actors,” would only appear to be partly true, as this author has found that structures are also significantly involved in shaping action. Moreover, in the case of Wales, consideration of actor-specific factors needs to taken with an appreciation of any CSO’s devolved status and also where EU issues are dealt with internally. The POS would appear to be a useful tool for identifying key factors, and moreover alerted the study to the significant informal aspects that govern behaviour – notably that policy-makers believe civil society in Wales should engage with EU policy in the Member State or in Wales.

Is civil society’s role in European Union policy-making democratic? Does it aid the European Union’s democracy?

Chapter Two described the EU’s democratic deficit, of which civil society is particularly important to the participatory democracy perspective. This Chapter also noted the importance of regional civil society to a bottom-up approach to participatory democracy, rationalising the need for this study. In Chapter Two this author also argued that there were different perspectives on civil society and democracy and that these accorded different space to civil society in policy-making. Therefore it was stipulated that attention must be paid to the different concepts of democracy and civil society held by political institutions. Similarly in Chapter Two it was argued that civil society’s democratic role must be looked at in terms of the democratic functions civil society plays in relation to policy-making and also whether corporatist-pluralist relations are in ascendance. Finally, Chapter Two demonstrated that the different CSOs must be explored for their democratic contributions.

Chapter Four explored individual CSOs’ democratic contributions and analysed each group in relation to the Chapter Two’s indicators. Groups were also labelled according to their membership, given that most of the indicators were dependent upon the different kinds of CSO membership. This section found that the CSOs involved are largely very democratic and contribute similarly to democracy as the non-involved. Nonetheless, in general EU policy-making and in the Convention (see Chapter Six), umbrella groups were the most active in EU policy-making, with some limited participation by charities and the

majority of membership groups not involved. The involved umbrella groups were strong in terms of resources and independence however their biggest democratic problems were membership participation and voluntarism. These latter two problems raise questions concerning their ability to reconnect citizens with the EU via participatory democracy, if they are hierarchical and member participation is less evident. Umbrella groups can however act as government scrutinisers and thus provide interest representation. The charities were weak in terms of independence and resources, although they were stronger in deliberation and internal decision-making structures. The membership groups were the least involved yet fared best across the democratic indicators. Indeed, the presence of Wales-wide groups being active in EU policy-making suggests that participation among CSOs in Wales may be very small. WCVA reported that only 3% of organisations in the All Wales Database of Voluntary Organisations were national organisations (Collis, 2003:23).

It is appropriate to ask at this point does this situation evoke corporatism or pluralism? First is clear that corporatism is present in the kind of organisations engaged. Corporatism is prevalent in that umbrella groups are mostly engaged in EU policy and have the least membership participation, as well as in the muted participation of charities that are dependent on government funds. However, there was pluralism in all CSOs with some basic internal democracy and membership participation, and umbrella groups generally being independent from government. In general EU policy-making, the POS did structure CSOs' participation, and the complexity of the POS may have inadvertently excluded them, thus making corporatism more prominent. Nonetheless, Michalowitz's (2002) observation that corporatist/pluralist relations vary at different points of the EU process is astute, with the Assembly offering more open and accessible structures than the UK institutions, and the EU institutions being fairly open to those CSOs who did try to engage there. Moreover, the extent of CSO participation was limited and CSOs were not involved in decision-making, particularly outside of Wales, indicating pluralism.

In terms of civil society's external democratic role, in general EU policy-making CSOs in Wales' participation does bring some check on government expansion, although they have rather little influence. Some CSOs also raise the concerns of the represented and excluded. Additionally some CSOs deliver

service/policy as valorised by associative democracy. It does not appear that the CSOs bring an intensity of public opinion to bear on EU issues for the most part, since EU issues are generally specialised. The way that CSOs are involved is largely at the margins, and they need to be proactive, evoking a state of representative democracy.

In the Convention, the majority of interviewed CSOs were for the most part passive, but did take on a number of democratic tasks, which included: contributing to public debate, articulating the views of the marginalised, mediating public opinion, keeping government in check, organising public debate, being a communications interface, bringing issues to the agenda and suggesting ideas. Internal discussion/participation by engaged CSOs did appear to be limited, mostly confined to a few individuals or committees, a lack of involvement may be a reflection of public indifference and makes it hard to pinpoint corporatist or pluralist relations. There was also divergence over whether the Convention was open or not, although the participation at the EU level of licensed ECSOs smacks of corporatism.

Civil society's limited overall participation whilst an improvement on other EU treaty reform, indicates that the Convention did not encourage mass participatory democracy. Moreover, as shown in Chapter Four, both policy-makers and CSOs reasserted the primacy of representative democracy. This reinforces limits on civil society's role in a democracy and decreases the space for civil society's role in the policy-making process to be able to dramatically change.

To conclude, the effect on democracy is not uniform, with shades of corporatism evident both in the kind of organisations involved and in how the POS structures access. This is problematic if the EU's democratic deficit is to be reconciled through participatory democracy, since participation is limited. The space for a more participatory democracy is also limited as representative democracy uppermost in the minds of CSOs and policy-makers. Nonetheless, there is some civil society participation in Wales, indicating some connection with the EU its regions and that these CSOs in their participation are able to play some democratic functions. It must also be borne in mind that Chapter Two described the role of civil society in participatory democracy as only one conception and prescription to the EU's democratic deficit. Thus, the solution

may be found in other more traditional quarters such as improving accountability and representation.

SITUATING THE FINDINGS

This thesis provides an insight into civil society's in Wales' role in European Union policy-making and the Convention. As such it fills a knowledge gap regarding sub-national civil society's actual experience of the Convention and a horizontal inquiry into European Union policy-making. With other empirical investigations into the Convention largely focusing on the role of the European civil society and largely ignoring the national (for exception Will et al., 2005) and the sub-national level. This level is important because of the proximity to citizens and their lives. It largely confirms assessments that national civil society activity was weak (Lombardo, 2003; Shaw, Hoffman and Bausili, 2003) and other empirical investigations of policy-making that smaller groups contract out EU policy-making to higher branches (Fairbrass and Jordan, 2002; Warleigh, 2001).

This research project's use of the POS can be linked to part of a trend, which recognises the role of the state in shaping civil society. The adaptation of the POS to CSOs and across different levels of governance builds upon work which has used the POS at the EU level (Marks and McAdam, 1996; Nentwich, 1996) and CSOs at the national level (Malonely, Smith and Stoker, 2000). In this thesis it provided a useful organising concept across different levels of governance and method for identifying the role of different structural and non-structural factors. Further with its emphasis on the context shaping non-governmental activity it is very compatible with case study research designs where the context is integral to understanding the case. Combining the discursive aspect of the POS (as advocated by Koopmans, 2004) also gave the framework more utility and ties it to other trends in EU studies such as the deliberative institutionalism turn (for example, Smismans, 2003; Schmidt and Radelli, 2004). It also takes forward deliberative institutional applications by exploring not only the understanding of "civil society" held by institutions but by actors themselves – CSOs and policy-makers. The importance of organisations themselves in recognising the POS which has been previously identified (for example, Marks

and McAdam, 1996) was also similarly found within this study, particularly their mobilisation structures.

Finally, by exploring the democratic role of civil society organisations in EU policy-making this thesis provides an empirical investigation to what is sometimes an overtly theoretical examination (for exception – Michalowitz, 2004; Warleigh, 2001). Moreover, it confirms sentiments offered that both the CSOs current capacity and environment to provide a participatory democracy and aid the EU's democratic deficit this way is limited (Michalowitz, 2004; Warleigh, 2001).

WIDER REFLECTIONS ON THE CONVENTION AND CIVIL SOCIETY

Given that the Member States did not accept the DCT how useful was the mobilisation of civil society at the Convention? The answer to the question depends on how one understands the purpose of civil society participation at the Convention. Nonetheless, it was the first time that civil society was accorded a formal role in treaty reform and the number of submissions to the forum etc. demonstrate to EU institutional actors that there is a real appetite amongst some segments of civil society to get involved in such activities. Moreover, the fact that some CSOs were able to influence the proceedings demonstrates that they had a voice. Conversely the lack of feedback from the Forum and the lack of results may have served to make some CSOs feel their contributions were pointless. Civil society's views following their mobilisation in the light of the DCT failure as such require further investigation.

What can be learnt by/for CSOs and EU democracy as a result of the Convention? There are a number of lessons for CSOs as a result of the Convention namely that CSOs require information and resources to a) follow the debate and b) influence proceedings. Moreover, CSOs should participate in both formal and informal activities (such as utilising contacts). In particular, CSOs in Wales with parents bodies and those which have membership of European umbrella groups should utilise these contacts as these are more likely to have the expertise and resources to follow and contribute to the EU debate effectively. Moreover, CSOs in Wales should utilise these contacts as Chapter Six found that CSOs engaged this way largely on the request of their parent groups. This is particularly pivotal as the UK and Welsh institutions took forward their

institutional concerns, rather than “civil society” concerns, thus European partners may provide the solution.

In terms of EU democracy, the lack of receptiveness to the DCT may reflect the wide scale lack of civil society participation in Member States and civil society’s ability to act as communication interface. Thus, arguably it could demonstrate the need for the EU to engage civil society even more. However, it may demonstrate the problems of a top-down debate (the Convention and discussion about a constitutional course for the EU did not emulate from civil society) and that the EU needs to listen to all of civil society not just Brussels based civil society. Simply put – perhaps the general public did not want a constitutional debate. The Convention result also points to the role of the Member State in harnessing civil society’s views. Paradoxically however, Member States interests are different to civil society, thus Member States have to be either committed to garnering civil society’s views or the EU institutions have to go beyond the Brussels elite.

REFLECTION UPON THE RESEARCH PROCESS

In retrospect there would be aspects of this thesis, which this author would change. In particular, there are aspects of the empirical work that the author would alter. A fortnight’s internship either with the European Commission, ECOSOC, CoR or the WAG’s European Office, or in Wales/UK with the FCO or WAG’s EEAD may have been advantageous. This would have given a further realistic insight into the kind of groups from Wales, (if any), that institutions deal with on EU issues, and would have provided additional contacts for interview. Similarly, time spent working in a Civil Society Organisation in Wales may have enhanced this author’s understanding of their working and participation in the EU policy process. However, access to these settings via internships etc. is far from assured and spending time in one institution/CSO would have skewed this thesis’ focus towards that one institution/CSO and its civil society relations at the expense of the other institutions/CSOs. Nonetheless, research focusing on the relations of one institution with other CSOs may help better define whether corporatist/pluralist relations are in ascendance at individual points of the EU policy process, and is one potential area for further research.

A Welsh interpreter should have been taken to the interview with a native Welsh speaker. Although the individual was fluent in English, this author felt that it was difficult for them to fully express themselves in English. Other areas for change largely lend themselves to areas for future research. There is a need for good quantitative data on the institutions (EU, British, Welsh and local) with which CSOs in Wales are involved on a policy level to accompany qualitative research. The Scottish Civic Forum (2002) has conducted such research in Scotland. However, such quantitative work would not have been possible in this PhD research project, given that some groups needed explanation of what constituted participation in EU policy-making, that was only possible on contact. Furthermore, given the difficulties of accessing groups via interview, the success of a questionnaire when some CSOs have “consultation fatigue” (Jones Commission, 2004) is arguable. Nonetheless, a few questions on this topic are something that organisations with a Wales-wide hold, like the WCVA, could readily encompass into their questionnaires on the status of the voluntary sector.

This author would also have liked to conduct cross-national research between two or more different devolved administrations (one weaker, one stronger) to explore the effect of the devolved administration on civil society’s EU participation more fully. The attempt to conduct some comparison with Scotland should have been outlined and planned at the start of the investigation. Again, this provides an area for future research. The paucity of research in Wales on the general EU policy process and civil society post-devolution, as well as the process’s complexity, merited this thesis’ focus solely on Wales. Nonetheless these caveats, the thesis’ research design, which was the result of informed theoretical and empirical investigations, is strong (see Chapter One).

Further lessons this author learned include interviewing skills and the importance of timing when conducting empirical research. Chapter One details how the author’s interviewing technique became more flexible with experience. Regarding the latter lesson, interviewing following the Convention’s conclusion and up to one year later meant that interviewees were available and that the event was sufficiently recent enough to be remembered (in most instances) and was far enough in the past for interviewees to reflect upon their experiences.

AREAS FOR FUTURE RESEARCH

This thesis has encountered many avenues for future social research, such as the effect of different devolved administrations on regional civil society's involvement in EU policy-making. This presents a particularly interesting area, given the need for the EU to reach out and work from the bottom-up following the negative constitutional referendum results in France and the Netherlands', in 2005. Similarly, it would be interesting to compare Wales with a Scandinavian region (traditionally perceived to be corporatist) with some autonomy, such as Skåne, to compare the scope and shape of corporatism between their regional governments and civil society. Moreover, through interviews it was evident that CSOs had broader connections with Europe and the European Union outside of EU policy-making, such as using EU Directives and meeting European representatives. It would be interesting to explore how such activities affect CSOs decisions to participate or not in EU policy-making and their perspective towards the EU.

Good quantitative data on civil society in Wales' level of political involvement and its democratic credentials would be valuable thus meriting overcoming the earlier mentioned problems as regards access. Further quantitative work may also build upon the explanations of CSOs' participation; and by accessing a larger sample the relative significance of factors could more concretely be tested and derived. Similarly, the democratic framework applied to individual CSOs derived in the study would benefit from further application to test and refine it. A network analysis of AMs and their relations with the key partnership council organisations may also help further identify the extent to which corporatist relations exist within the devolved administration generally and either prove or disprove the idea that everybody knows each other in the Welsh policy/political community.

Changes at the Welsh, British and the EU levels will ensure that this subject remains of interest for researchers. The gradual further deepening of devolution in Wales will impact on civil society, following proposals currently in the House of Commons to reform the Government of Wales Act. Moreover, research will be needed to assess whether devolution within organisations in Wales with ties to the UK, Europe and further afield is increasing and whether a Welsh agenda for these CSOs is emerging. Similarly, changes at the EU level

regarding regional policy, the search for an identity following the temporary death of the Constitutional treaty, the European Commission's plan D and the introduction of a possible code for non-profit organisations will create changes in EU-Wales-civil society relations. Shifts in the UK's political alignments may alter the UK government's relations with the EU and Wales, impacting upon civil society in Wales. Finally, changes in the use and salience of the term civil society will present researchers with worthy further research, given civil society's myriad definitions.

NOTES

Introduction:

- ¹ Results of the 1997 referendum on devolution were 50.3% voted for devolution, 49.7% voted against, with a turnout of 50.1%.
(www.bbc.co.uk/politics97/devolution/wales) [Accessed 8th of August 2005]
- ² Wales is traditionally a Labour stronghold. During the last period of UK Conservative government, the numbers of Conservative MPs in Wales dwindled, leaving six MPs after the 1992 election. This left the Conservative government with little legitimacy and many of the measures they carried out in Wales were met with hostility, as well as limiting the influence that the majority Labour Welsh MPs could have in the running of Wales and the UK.
- ³ Hereafter referred to as the Convention.
- ⁴ It was unable to resolve key issues such as the weighting of members' votes in the Council of Ministers.
- ⁵ "F" being Federalism.

Chapter One:

- ⁶ This refers mainly to the large Devolution and Constitutional Change programme initiated by the ESRC www.devolution.ac.uk.
- ⁷ This is not exhaustive of case types.
- ⁸ This is a revelatory case in that it explores something new.
- ⁹ WEC is set to close following an announcement by the First Minister in December 2004.
- ¹⁰ The researcher effect is whereby the researcher adversely impacts upon data collection for discussion see Denscombe, 1998.
- ¹¹ Dunleavy and Husbands (1985: 11 cited in Denver, 1994:118) found that 63% of their sample in 1983 viewed television as their most important source of political information (in comparison to 29% on newspapers, 4% on radio and 3% on personal contacts). A Flash Eurobarometer (2003:6-7) survey also found that 78% of British people interviewed use TV when

looking for information about the EU as well as 72% also using daily newspapers.

Chapter Two:

- ¹² Galston (2000) points out this argument.
- ¹³ i.e. mediating between civil society and the economy. This line of reasoning follows in the footsteps of Cohen and Arato (1994:ix).
- ¹⁴ i.e. justification and support from the people.
- ¹⁵ Although in practice all these deficits can co-exist.
- ¹⁶ For a broader definition see Wiarda (2003:28).
- ¹⁷ Warren (2001) views radical democracy as self-governance.

Chapter Three:

- ¹⁸ Movement Advocacy Coalitions. Includes sympathisers and activists outside a given social movement as well as the social movement itself and can be individuals or organisations. Ruzza (2004:14-5) gives the example of Labour Party MEPs supporting Green issues.

Chapter Four:

- ¹⁹ These subjective ratings were allocated to each group on each indicator. Each indicator had a baseline of poor being equated with CSOs not being in possession of any of that particular variable. Groups were also compared in relation to each other. As such, another research project may throw up more or less variation. Each CSO indicator rating was then equated to a number (Extremely 5, Very 4, Fairly 3, Slightly 2, Poor 1, split ratings were labelled .3 or .7 depending which rating was more prominent), added up, then divided by the number of indicators. In the rare case where that CSOs' indicator was not known, an average rating of "Fairly" was given. Whilst discussed, the functions of CSOs are not included in the indicator numerical assessment because it is hard to stipulate that one function is more necessary for democracy than another.
- ²⁰ The statutory body has made similar recent moves to involve their stakeholders.

- 21 The need for face to face communication may lessen, as electronic and
other simultaneous forms of communication become available.
- 22 Internalisation in this context means the extent to which interviewees
internalised their answers by reference to their organisation and/or
institutional view, rather than offering a view as a private citizen.

Chapter Five:

- 23 The boundaries of where “policy-making” ends and another stage in the
policy cycle begins is not clear cut. The different stages of the policy
process; formulation, decision-making and implementation – are all part
of a policy cycle (Wurzel, 2002: 50-51). For the sake of clarity the thesis
concentrates upon policy-making at the agenda, formulation and
decision-making stages (this is what Greenwood, 2003a:32 terms as
policy-making). Where policy is being negotiated, decided upon and
made through secondary legislation to implement policy (which some
authors would class as formal implementation stage separate from policy-
making - for example Bulmer et al., 2002:116), this is classed as part of
the policy-making process. Thereafter groups’ involvement in
administration and physically carrying out EU policies is not included in
policy-making and whether they are engaged or not engaged in EU
policy-making. Nonetheless, this stage may be reflected upon when
appropriate.
- 24 The thesis will use the term Assembly to refer to both the NAW and the
Welsh Assembly Government.
- 25 This committee formerly comprised two committees during 1999-2003:
agriculture and rural development committee and the environment,
planning and transport committee.
- 26 Twenty-one Assembly Ministers have attended these meetings from
March 2000 to October 2003, see EEAC 2003.
- 27 The passed bills (subsequently Acts) are the Health (Wales) Act 2003,
Children’s Commissioner for Wales Act 2001, Public Audit (Wales) Act
2004, Public Services Ombudsman Wales Act 2005. The bills currently
(as at 4th of January 2006) being considered by Parliament include the
Commissioner for older people Wales bill, Transport (Wales) bill,

Government of Wales bill, Smoking in Public Places (Wales) bill. These were identified on:

www.publications.parliament.uk/pa/pabills.htm#w [Accessed 4th of January 2006]

28 Westminster's scrutiny capacity has been "beefed up" following the Foreign Minister's announcement in January 2004 to the House of Commons that a yearly White Paper of the UK government's objectives in Europe would be made available and delivered to the House of Commons. This move surely must be seen in the light of the Draft Constitutional Treaty's Protocol on National Parliaments, where National Parliaments gain a role in the legislative process.

29 These sectoral networks correspond to the twenty-one voluntary organisations representatives on the VSPC.

30 After a long break the WEF was reconvened in September 2004 to discuss the future of EU structural funds post 2006.

31 In reality there is also a third option to get involved with a Welsh network to take its views to the British sphere however this will be subsumed under option b).

32 The directness of "policy-making" activities with these political avenues varied among the CSOs.

33 CSOs who were engaged with the Assembly on non-EU policy-making also recognised this point.

34 Where organisations only discussed their involvement with European representatives in Wales along these lines, they were left out of the diagram, but they include the disability, international and language groups.

35 Parent group refers to the level at which group organisation is most important and to which child groups belong to. For example, Greenpeace is an International organisation, but its Member State organisations are autonomous, therefore the main parent group would be Greenpeace UK. Greenpeace also has regional branches, and for these Greenpeace UK would be their parent group.

36 Using lobbying agencies or companies is technically not "civil society". Yet as these provide intermediate structures between the state, economic

and civil society realm, discussion of these is included under the loose heading “civil society avenues”.

37 This review was conducted in January 2005. The Wales Legislation
Online portal can be accessed at: <http://www.wales-legislation.org.uk/>

38 Pulls to greater devolution and unionism are related to party politics as
Plaid Cymru advocates Welsh independence and autonomy and
Conservatives are traditionally Unionists.

Chapter Six:

39 European civil society as understood by the European Commission is a
Civil Society Organisation that has a presence in three or more Member
States.

40 At the start of the Convention the Assembly pulled out from WEC,
leading to debate about its future.

41 In other words France had the largest number of Conventioneers from the
EU institutions and appointed to the Convention’s Presidency.

42 Services of general interest are public services such as health etc., which
are often provided by the state and civil society groups. Some CSOs
were keen to get a special status for services of general interest, to
exempt the services and public subsidies of the services from competition
laws and to allow for differences among and in the Member States.

43 More effort was expended on gathering information about Convention-
related events in Wales, because it is assumed that civil society groups in
Wales are more likely to come into contact with the Convention this way
than through events in London or Scotland.

44 Wales had no Convention representative representing the interest of
Wales. In other words, Wales had no nationalist politicians at the
Convention, nor did it have a representative from the Committee of the
Regions. Peter Hain, whilst being a Welsh MP, was ultimately
responsible for promoting the interests of the UK government.

45 Although conceivably such speeches could trigger debate in civil society.

46 It must be conceded that UK civil society could also have fed their
concerns also through their European and International networks.

- 47 The Northern Irish Executive could not fulfil this intention as the
Stormont Assembly was suspended in October 2002, following a break-
down in relations over accusations of IRA spying.
- 48 See Chapter One for methods.
- 49 Influence can be defined and measured in various ways, for this section it
is defined as the ability to create desired change via action/activity.
- 50 External involvement refers to those CSOs involved with political
institutions and outside of their parent groups and/or European networks.
- 51 Internal involvement refers to involvement inside the organisations with
its members and staff.

ANNEX 1

ELABORATION OF INSTITUTIONAL DISCOURSES ON CIVIL SOCIETY AND DEMOCRACY

DISCOURSES OF THE EUROPEAN UNION

This section will concentrate upon the discourses of the supra-national institutions: the EP, ECOSOC and the European Commission. The ECOSOC and the European Commission are the most active EU institutions in bringing civil society into the EU (Smismans, 2003) and the EP is one of the traditional sources of the EU's democratic legitimacy. Further, the ECOSOC is the self-styled "home of civil society" and the European Commission has given the concept of "civil society" ideational currency within the EU, being both an ideational entrepreneur and the defender of the community interest (hence in Chapter Four the institutional discourse on civil society only comprises the views of the ECOSOC and European Commission). The discussion on the role of civil society in a democracy overlaps with the normative discourse on civil society.

European Union's discourse on civil society

The EU literature identifies and exemplifies the difficulties involved in defining civil society. Civil society, CSOs and NGOs seem to be used interchangeably and on the surface, civil society seems to be open and inclusive of anything that is non-state (the European Commission similarly advocates):

Civil society is a collective term for all types of collective actions, by individuals and groups that do not emanate from the state and are not run by it. (ECOSOC, 1999:5).

The ECOSOC (1999:8) goes on to define the *players* of civil society in terms of their functions with labour-market players, organisations that are representative of economic and social players, NGOs, Community Based Organisations and religious communities. Thus it defines civil society in terms of groups (bar Patten, 2000:3 on networks) and their functions (Curtin, 2003:59). The economy

is implicitly left in civil society, suggesting that this is founded upon a libertarian understanding of civil society.

Curtin (2003:59) decries this understanding of civil society as ignoring the substantive criteria for what *should* be included. There is some substantive criteria in the notion that civil society should further “well-being” (ECOSOC 2000:5) and the “general interest” (ECOSOC 1999: 7), both of which are largely liberal notions of the good. However, the ECOSOC (2000:4) supplements this by emphasising that organisations should be representative, both quantitatively and qualitatively. A radical conception of “civil society” is not evident; Curtin (2003:70) argues that the EU puts anti-globalisation protestors in the same bracket as terrorists, and groups who want to take over government are excluded from the EU (ECOSOC, 1999:7). Instead, the liberal voice is in ascendance, stressing tolerance of civil society, the rule of law and equality, thereby depicting a liberal egalitarian understanding of civil society and emulating Tocqueville, Durkheim and Weber:

In a pluralist society, all individuals recognise each other as having equal rights and engage with each other in a public debate. All this takes place on the basis of tolerance and free will. (ECOSOC, 1999:5)

In practice there are institutional guidelines for dealing with civil society, as the European Commission has set up consultation guidelines (European Commission, 2002a), a database of European civil society and a database of the European Commission’s consultative bodies. European civil society, which is defined as groups having a presence in at least three Member States, is notably elevated (European Commission, 2001a:15). Good governance principles such as institutional accountability are also expected of civil society groups. Groups need to have “specialist knowledge” (ECOSOC, 2000:4) and to make “constructive proposals” (ECOSOC, 2000:4) and their past consultation record is also taken into consideration (European Commission, 2002b). This means civil society needs to have bargaining chips (Karlsson, 2001:85-6) of both time and expertise, be fairly computer literate and have a large-scale European presence. Nentwich (1996) backs this conclusion in his findings that the opportunity structures for interest groups is limited to those of a large size and finance base.

The European Commission also sponsors a number of NGOs (Warleigh, 2001:622) and can direct their mandate:

Certain NGOs and networks, especially those at the European level have been established or selected in order to provide information, experience and experimentation. (Prodi and Kinnock, 2000: 6)

In terms of sectors, trade unions and employers' organisations are particularly applauded for their representativeness (European Commission, 2002c). This is backed up by the home of civil society being found in the ECOSOC where economic and social interests were initially represented. The EP believes civil society should be supported in articulating their views and "encouragement should be given, for example, to the establishment of networks of services in the public interest, local projects or co-operation at local level" (EP, 1999:5-5), reifying the local and general good of civil society.

The criteria added to civil society make the EUs understanding of it much more like an "institutional straitjacket" (Curtin, 2003:57). This institutional straitjacket predominately has liberal egalitarian undertones of civil society, being seen as tolerant, and indeed a realm of equality pursuing a general interest. Libertarianism is present in the stress on freedom; however, when placing emphasis on social partners rather than purely economic interests, libertarianism recedes. Latent communitarianism is embedded in the recognition of cultural specificity but the idea that civil society is to be free and voluntary implies a measure of detachment not usually found in strong communitarian accounts. New left ideas are also evident in tolerance, but the lack of emphasis on deliberation and also the idea of general interest rather than emancipation means this account is not as strong. Radical approaches are discarded on the grounds that there is little role for antagonism or deviant views here.

Civil society is given a range of tasks: to deliver services, mobilise people, support excluded sections of the population, alert institutions to the direction of debate, broaden the European debate out to the citizens, facilitate enlargement and European integration, stimulate collective learning, represent groups on specific issues, aid the acceptance of policy, further policy-making and good governance and provide technical knowledge (European Commission, 2001a, 2002b, 2002c; ECOSOC, 1999; Prodi and Kinnock, 2000). There seems

to be a wide range of purposes accorded to civil society that encompass all the civil society perspectives. Even the radical aspect of civil society is adhered to in the existing civil dialogue where radical groups can choose to meet outside the institution to air their views (Goehring, 2002:136). The EU is more restrictive in policy-making:

Both mainstream and divergent views should be considered. However, it is important to distinguish proponents of theories that have been comprehensively discredited from those whose ideas appear to be supported by plausible evidence. (European Commission, 2002d:12)

Civil society is ultimately a body for the EU to consult, but not all of civil society is consulted and there is no guarantee that its ideas will be taken on board. Even if “the role allotted to civil society is to mediate between the national and the supranational” (Rumford, 2003:32), only part of society can be reconciled, given the EU’s selective definition of civil society.

European Union’s discourse on democracy

Concerns about popular legitimacy and democracy as the means to secure this have only come latterly and reached the ears of the European structures in the last decade or so. Thus, democracy was not always at the core of the European project. It is embraced in Article 6(1) of the Treaty of European Union, but without any real definition:

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States. (Treaty of European Union, 2002:11)

Moreover the Member States only *desire* to enhance democracy and efficiency in the working of the EU, as opposed to stronger language used in economic integration that of *confirm* or *determine* (Preamble in Treaty of European Union, 2002). As such this represents no steadfast commitment to a process of democratisation of the EU’s institutions. Such footloose commitment is further evident in that some of the most innovative documents on this matter, such as the WPG, do not have legal status per se; they can only work within the confines of

the existing legal agreements of the EU. Thus, the language of democracy has reached a primarily economic entity but seemingly without any real meaning.

Such ambiguity is evident upon among the European supra-national institutions. The ECOSOC (2000) reiterates support for participatory democracy, described “as a model for co-operation and allows room to formulate new types of participation, while retaining many elements of representative democracy” (ECOSOC, 2001:119). However, participatory democracy is to function alongside the current institutions and community methods. Greater participation is envisaged for civil society in opinion-forming and decision-making, with the ECOSOC as the representative body of civil society. Much of the ECOSOC’s fervour for “participatory democracy”, with representative democracy appears as a means to legitimise the ECOSOC’s own role.

For the EP representative, democracy holds the day. In this respect parliamentary deliberation creates democratic legitimacy, and this has a procedural element in that democratic aspects like scrutiny have to be conducted in a certain manner (EP, 2001a:9). The emphasis on consensus, rather than the recognition of difference, again implies some kind of EU unity to allow a representative system to function as opposed to a radical one (EP, 2001a:10). The EP also calls for decentralisation and institutional reform such as the need to reform the European Commission’s dual bureaucratic and executive functions (EP, 2001b).

The European Commission on other hand seems concerned with democracy as a means for buoying up legitimacy, reinvigorated by the recent discovery that people “nowadays take an interest in the effectiveness of the rules handed down ‘from Brussels’ and the way they are drawn up” (European Commission, 2002d:2). In this respect the democratic deficit is a lack of information combined with implied ignorance of the populace, a problem of public relations.

However, the European Commission (2002c), along with the EP (1999), has realised that the European citizen needs to benefit from European integration and therefore outlines the EU project and model of society, rejuvenating the liberal social contract, at the heart of more procedural, representative democracy. The European Commission in the WPG (2001a) also argues for the inclusion of civil society, regional and local associations, and more participation by

individuals. Participation is framed as consultation, helping community policies through expertise. Again inclusion in the Report on European Governance (2002d) is couched in terms of institutional strategic interests, rather than the common good as such, reifying representative, procedural and even elite methods of governance. There is also a concern to preserve the status quo in the Report on European Governance (European Commission 2002b) with no real institutional innovation envisaged. Demarcation, openness and accountability are cited as aspects to be improved.

The WPG (European Commission, 2001a:7) however sees Europe as having been integrated through democratic means; i.e. democracy is therefore conceived in representative, procedural terms based on the EU's existing institutional design. Similarly the WPG raises five principles of good governance: openness, participation, effectiveness, accountability and coherence. Yet as Follesdal (2003: 75) questions, why those five? Arguably, "each principle is important for establishing more democratic governance"(European Commission, 2001a:10), but the European Commission back-tracks later on this statement, seeing the above as mere principles of good governance:

There is broad recognition that the principles of good governance should not be equated to democratic government, ... In this respect, it is accepted that governance mechanisms seeking to enhance the effectiveness and efficiency of the decision-making system and ensure better involvement of more players will make the institutions more open, leading to increased responsiveness and accountability of institutions. (European Commission, 2002b: 28)

In essence it appears that the EU's institutional perspectives on what constitutes democracy are not uniform. There does seem to be a link with the kind of organisation and each institution and the type of democracy each institution embraces, in that the democracy they advocate tends to promote their role in Europe (this is the view that Smismans, 2003 takes of institutions and civil society). However, it is notable that democracy is largely conceptualised as procedural rather than normative and that participatory democracy is meant to occur within the confines of representative democracy.

In this respect democracy is a tool, a means to secure legitimacy, preserve status and further institutional ends. Equally "democracy" is not an open-ended

concept in these perspectives. It is delimited, moulded with various emphases on particularly liberal conceptions of democracy. Radical and deliberative, properties of democracy, along with the reasons for supporting democracy are left out of the picture. As for more participatory democracy, from analysis of EU institutional documents, is evident that the EU does not rely on this alone, with parliamentary representation still at the heart of its democratic thinking.

The role envisaged for civil society is complementary to representative democracy, as civil society is to be given a “voice not a vote” (European Commission, 2002c:5) so as not to undermine the role of elected representatives, because as the EP notes CSOs “cannot be voted out by the people” (EP, 2001a: 10). Civil society is deemed to help democracy because organisations further representation, help the provision of services, bring in the citizen, trigger public debate, act as an early warning system, develop an European identity, and help the reception, creation, effectiveness and expertise of policy. From this it is evident heed has been paid to the deliberative and associative strands of democracy.

Thus, at the outset the rationale for including civil society is dominated by the wish to increase the EU’s democratic legitimacy. This is not to state that civil society has never had a role in the EU, but that its current manifestation as “civil society” and its purpose is rather novel. Civil society is envisaged to bolster democracy in a number of ways which fall across a range of democratic perspectives. Moreover, some of the functions attributed to civil society are arguably unsuitable to its nature (for more on the representation debate of civil society in the EU see Curtin, 2003).

United Kingdom government’s discourse on civil society

The UK executive’s view on civil society is difficult to discern, being bound up in third way rhetoric. Civil society in this perspective is central in creating active citizens, bolstering communities voluntarily and entrenching citizens’ responsibilities as well as rights (Hall, Williamson and Coffey, 2000). This has strong communitarian roots, as it is in the community and civil society that the good citizen is created (Goes, 2004:110).

In terms of what kind of civil society, the British executive conceives this is hard to locate functionally, particularly as the term seems to be used to cover

community and is used less in concrete policies and plans. In this broad view, family and community associations appear to be key. Yet the closest the UK has come to articulating its concrete views on the role of “civil society” is in its compact with the voluntary and community sector in England (Straw and Stowe, 1998:5). Here this grouping is called the third sector, resting between the state and the market, and thus must be viewed as a central tenet of the UK’s civil society. Driver and Martell (2002:91) give further recognition to the voluntary sector’s importance in Blair’s view on civil society and at the same time highlights this is not a radical conception of civil society:

When Blair discusses the need for ‘a strong civil society’ and ‘civic activism’, it is not social movement politics he has in mind. His concern is with individuals fulfilling their responsibilities of the voluntary sector and the family rather than radical informal social movements. (Driver and Martell, 2002:91)

Normatively, in The Compact (1998:9,12) special recognition is given to furthering equal opportunities in the sector by giving a voice to marginalised views (black and minority ethnic groups together with community groups), which has some traces of liberal egalitarianism. Civil society is meant to be a partner of government and the private sector. However, again communitarian elements are prevalent as civil society sustains community:

... [voluntary and community groups] enable individuals to contribute to the development of their communities. By so doing, they promote citizenship, help to re-establish a sense of community and make a crucial contribution to our shared aim of a just and inclusive society. (Blair, 1998:3)

These views are placed in comparison with the UK’s practical involvement of groups in policy-making, the roles accorded to civil society and with respect to the EU. Although The Compact does include the third sector in policy-making, it is evident that policy-making is only part of the third sector’s role with service delivery particularly key. Indeed, the communitarian view of civil society portrayed by the UK executive seems to be a local one and that consultation of civil society should instead be carried out at the local level, explained by the presence of local compacts.

Nonetheless, The Compact does outline codes of conduct for consultation with central government departments. It is recognised that gathering community and voluntary groups' views is key to obtaining opinions, knowledge strength of feeling and, increasing community ownership and responsibility in policy (The Compact, 2000a:13, 2000b:2). More practically, knowledge and an organisation's accountability and representativeness are also important tenets:

They should be willing to offer their advice to Government based on objective experience and appropriate consultation with those they work with. This helps to establish and maintain the credibility of voluntary and community organisations as valuable sources of informed opinion. (The Compact, 2000b:3)

Moreover, although the code suggests consultations should be open it advises that they "should include those with which a department has regular contact or which are likely to have views on the issue in question" (The Compact, 2000b:9).

In regards to the EU, as this code of conduct and compact applies to all central government departments it would be fair to expect this would also cover EU issues. In the UK government's (2002) response to the WPG, where in the WPG civil society was given a pivotal governing component, civil society as, Reilly (2004:143) notes, receives short shrift. The only reference to civil society in the UK government's response concerns economic governance and businesses and consumer organisations – suggesting that these are pivotal to the UK government's conception of civil society. Such sentiments are partly echoed by how civil society fares in policy-making with central government. For although the compact harbours ambitions to bring in community groups, Beetham et al., (2002b: 237) sees consultation is often directed at large interest groups, and big business has more access. Grant (2000) also views building reputation and constructive input as key.

United Kingdom government's discourse on democracy

In terms of democracy, the Blair government has made efforts to foster democratic renewal through participatory democracy, of which active citizens in communities and civil society are a key part (Ravenscroft, Curry and Markwell, 2002:717). However, these measures seem largely oriented towards the local

level and studies have questioned to what extent power has actually been shared (Lovan, Murray and Schaffer, 2004:16). The measures to involve civil society in service delivery evoke notions of associational democracy. However, there have been some efforts to further deliberative democracy through citizen panels etc. At the same time it is evident that Blair believes elected *mandates* and representative democracy are the cornerstones of democracy, as devolution increases democracy with “power to be exercised closer to the people” (Blair, 2001a: 4), not by the people themselves. This is in contradiction to the government’s continued centralisation (Driver and Martell, 2002). The UK government’s view of democracy within the EU further serves to reinforce representative democracy. Blair (2001a) perceives European democracy to be contained within both national and parliamentary democracy. And in particular “democratic accountability is fundamentally and ultimately rooted in the Member State” (Blair, 2001b: 2).

The National Assembly for Wales’ discourse on civil society

It must be remembered that civil society was meant to be one of the key beneficiaries of devolution, and the Assembly’s ability to reach out to sectors of the population would partly determine its democratic legitimacy, following a narrow vote in favour of the institution. Again, civil society here is related to the third way vision of partnership between the public, private and voluntary sectors (for example Labour Party, 1999).

How does the Assembly view civil society? The Assembly on the one hand defines civil society as comprising “public, private and voluntary sectors, which complement each other and seek to tackle social issues in a spirit of partnership between them” (NAW, 2000:8), in a scheme with the voluntary sector. On the other hand, it is only in its dealings with the *voluntary sector* that civil society is referred to. The other founding documents of the local government and business partnerships do not define or speak of civil society. This is further evident as in the First Minister’s response on behalf of the NAW on the WPG he speaks of “civil society, including the voluntary sector” (WAG, 2002a:1) and civil society representation “through the voluntary and NGO sectors” (WAG, 2002a:2). Thus it appears the voluntary and community sector is at the heart of this conception of civil society. Nonetheless, a broader

definition is present in the same response; civil society again encompasses local government, business and voluntary sector:

The Welsh Assembly sees local government, the business sector, the voluntary sector and civil society more widely as its partners in the European Union. (WAG, 2002a: 1)

Normatively in this view of civil society, volunteerism is given special recognition for its contribution to democracy, as it is without financial gain. Other values raised are to “offer equality of opportunity” (NAW, 2000:8), be participative, inclusive, build up communities and to empower communities. Therefore, there is the similar third way emphasis on civil society being communitarian and creating partnership as the UK government, similarly the equality of opportunity (which is also a statutory requirement of the Assembly to promote) hints at liberal egalitarianism and new left ideas.

Civil society, or more appropriately the partners through the partnership councils, is expected to input into policy-making, as well as deliver services. In relation to the voluntary sector, umbrella bodies and intermediaries are meant to aid consultation. As Chapter Five discusses, in practice sections of civil society are not fully taken into the policy process. Betts, Borland and Chaney’s study (2001) into the experience of disabled and women groups and the NAW identified personal contacts, networks of smaller groups and large groups as key in gaining influence.

The National Assembly for Wales’ discourse on democracy

Democracy was another key component behind devolution, with civil society participation in the new devolved institutions a pivotal part. Thus, participatory democracy would appear to be in evidence, particularly with the stress on inclusivity, transparency and consensus. Yet representative democracy remains at the heart of the Assembly with AMs pulling most of the strings. In practice, moves are evident towards a more Westminster mode of government, with a stronger and separated cabinet establishing the supremacy of representative democracy. Government partnership with civil society in the delivery of policies such as EU structural funds lends itself towards associative democracy. In respect to the EU, the First Minister argues the EU should solve its democratic

deficit of citizen disconnection through involvement with regional and local governments, again reinforcing representative democracy:

The European Union and its 15 Member State Governments must involve regional governments in shaping the Europe of the future if it is sincere about engaging people at local level. This was the message from Wales' First Minister. (NAW, 2002d

ANNEX 2

THE AREAS OF EUROPEAN UNION POLICY INVOLVEMENT AND DEVOLVED AREAS TO THE NATIONAL ASSEMBLY FOR WALES

DEVOLVED AREAS TO NAW	DOES THE EU HAVE POLICY INVOLVEMENT IN THIS AREA ? (Derived from Nugent 2002: 327-328)
Agriculture, forestry, fisheries and food	Extensive EU policy involvement in agriculture and fisheries.
Culture, museums, galleries, libraries	Very limited involvement.
Economic development	None. However economic cohesion is a shared competency and the EU has considerable involvement on market regulation. The EU also has shared responsibility with the Member State for regional competition.
Education and training	Limited policy involvement.
Environment	Shared policy.
Health and health services	Limited policy involvement.
Highways	(see transport).
Housing	Virtually none.
Industry	Shared policy responsibility of the EU and Member States.
Local Government	None (although local governments are involved in the EU institutions themselves).
Social Services	None. Although the EU has limited involvement in social welfare.
Sport and recreation	Very limited involvement.

Tourism	None.
Town and country planning	None, although the environment is a shared policy between the EU and Member States.
Transport	Shared policy responsibility between the EU and the Member States.
Water and flood defence	See environment.
Welsh language	None-bar the limited involvement in education and culture.

ANNEX 3

CONVENTION RELATED EVENTS IN THE UK

NOTE: This list is not exhaustive of events.

1. UK GOVERNMENT ACTIVITIES IN THE UK

A. Some UK government speeches and visits

- Foreign Secretary speaks at the Hague in 2002.
- Peter Hain made visits around the UK in October 2001 to promote the benefits of the EU.
- “Europe's Political Future”, Prime Minister’s speech, given at the Polish Stock Exchange, Warsaw, 6th of October 2000.
- “A Strong and Successful Europe” Prime Minister’s speech at the European Research Institute in Birmingham, 23rd of November 2001.
- “The Challenge”, Prime Minister’s speech in Cardiff 28th of November 2002.
- Prime Minister made a speech in Warsaw on the 30th of May 2003.

B. UK government activities with local government

- Centre-Local Partnership Conference on the Future of Europe organised by UK government and LGA 28th of November 2002 at the Foreign and Commonwealth Office.

C. Other conferences/mechanisms

- “UK- Espana Looking to the Future. Europe: Perceptions, Reality, the Future” Conference held at Wilton Park UK, 18th –20th of July 2003, led by the British Council and the British Embassy in Madrid.
- On-line forum this gave information about the debate and the Convention. Enabled public participation as people could send comments directly to the Minister for Europe.
- Leaflets and newsletters sent to MPs, MEPs, libraries, academics and European Resource Centres

2. UK CIVIL SOCIETY ACTIVITIES IN THE UK

A. The Institute for Citizenship activities

- 5 discussions across business “Introductory Discussion” at the British Academy, London 26th of November 2001; “Business: Social Leadership in Europe?” in Birmingham 29th of January 2002; “Living Together: Towards a Tolerant Europe”, in Leeds 23rd of April 2002; “Concluding Discussion and Action Session” in London July 2002; (1 event was also held in Scotland – see later).
- Ran a nationwide round table discussion series called “Europe and its Citizens – the Future” which sought to raise awareness of, and the level of debate about, Europe amongst the British public with young people; Liverpool – Hope at Everton, Liverpool Hope University, Friday 28th of February 2003. London – Imperial College, South Kensington Friday 21st of March 2003.
- Had a on line discussion on Convention of Europe as part of the above project.

B. Events run by British Universities

- Universities – Birmingham, Sussex. Cambridge and Oxford held seminar series.
- UCL held a related conference in April 2002.

C. The Federal Trust for Education and Research (Think tank)

- Federal Trust ran a project entitled: “From the European Convention to Public Discourse: Debating our Common European Future”. This collaborative project was intended to facilitate transnational debate on the main issues concerning the future of the European Union, by arranging a series of eight lectures and debates and publishing four specially commissioned pamphlets as part its series of “European Essays”.
- The Trust also contributes annual papers to “Convention Watch”, a tool for ensuring an in-depth knowledge of the positions being taken by governments,

Parliaments and the political forces of Europe on the main questions being discussed in the European Convention.

3. ACTIVITIES IN SCOTLAND

A. The Scottish Executive activities

- The Scottish Executive's website had a forum devoted to collecting and exhibiting views on the future of Europe. Such comments were then taken forward to the Convention's Forum itself.
- The Scottish Executive ran three information sessions with small and medium civil society groups through Scottish Civic Forum.
- The Scottish Executive invited contributions on the future of Europe from larger civil society groups.

B. Other Politicians'/political institutions activities

- Catherine Stilher MEP held six seminars in Scotland.
- The Scottish Parliament held a conference on the 16th of September 2002 with interested parties.
- Catherine Rainer MEP also held events inviting the public's views and the Conventioneer Neil MacCormick also held public events across the country.

C. Civil society activities in Scotland

- Institute for citizenship ran a discussion across business, called "Managing the Demographic Deficit" at Glasgow City Council on the 14th of March 2002
- University of Edinburgh ran a related seminar in early autumn 2002.
- Institute for citizenship – ran events to increase awareness of EU issues called 'speak out'. Groups of students spoke out about European citizenship and its future in Edinburgh's City Chambers, on the 7th of February 2003.
- Strathclyde University held discussions and seminars on the future of Europe.
- Conference on the future of Europe organised by Jean Monnet Centre of Excellence with Royal Society of Edinburgh.

- SCVO 'Future of Europe' 26th of August 2002 Neil MacCormick led discussions with Scottish voluntary organisations.

4. ACTIVITIES IN NORTHERN IRELAND

- Northern Ireland's Assembly debated the Future of Europe in 2002
- Institute for Citizenship – ran an event where young people discussed the future of European citizenship in Belfast, the Northern Ireland Assembly, Stormont on the 7th of March 2003.

5. ACTIVITIES IN WALES (The Assembly's activities are documented in Chapters Four and Nine)

A. Activities organised by politicians/political institutions

- 26th of October 2001 conference 'Wales, the Euro and Jobs' at Cardiff County Hall. John Monks and Peter Hain attended. This was part of a campaign to raise awareness of British membership of the European Union. (organised by Eluned Morgan and Glennys Kinnock-GK speaks). There was some debate on the future of Europe.
- 26th of October 2001 – Peter Hain was involved in a radio phone in
- 26th of October 2001 there was a "Question and Answer Session" with young people. The following attended: Don Touhig (MP), Peter Hain (MP), Jonathan Evans (MEP), Mike German (AM) and Paul Willey
- 20th of November 2001 there was a Forum of the European Youth Parliament where students from South Wales debated the future of Europe.
- 27th of November 2001 Don Touhig (MP) attended a seminar at Cardiff University on Europe.
- In February 2002 – a conference was sponsored by European Commission Wales office and Neath and Port Talbot Council. Here the future of Europe was discussed at Margam County Park. Glennys Kinnock (MEP), Peter Hain (MP) and Catherine Eva in attendance.
- Conference held by the Green/EFA Group of MEPs (Jill Evans and Jean Lambert) with civil society in Cardiff. "The future of the European Union. The European Convention Rebalancing the Treaty Towards a Sustainable Europe", at the Marriott Hotel on the 24th of July 2002.

- British Embassy in Spain and British Council ran a conference on the 16th-18th of October 2002 on the “Future of Europe: The Convention and the regions”. Peter Hain (MP) and Rhodri Morgan (AM) attend. The final report was presented to European Convention in Brussels.
- 28th of November 2002 Tony Blair gave a speech to an invited audience in Cardiff on the UK’s position in relation to the Convention on future of Europe with Peter Hain.
- 29th of November 2002 – Tony Blair spoke at Cardiff’s Old library setting out his vision for Europe.
- 21st March 2003 – Jill Evans went to Ysgol Glantaf, Llandaff North, Spring day in Europe, to tell pupils about Convention and relay their views back.
- 28th of July 2003 “Question and Answer” event hosted by the European Commission Office in Wales with Peter Hain.

B. Civil society activities

- 1st of November 2002 – WTUC European Conference at Cardiff City Hall. - Keynote speakers Neil Kinnock, John Monks. Organised with the European Commission Office in Wales.
- 13th of December 2002, Institute for Citizenship event ‘Speak out’. Where young people discussed European citizenship and its future in Cardiff at the Temple of Peace in Cardiff. Panellists included: Helen Conway - Cardiff Chamber of Commerce, Jonathan Evans (MEP), Eluned Morgan (MEP), Dafydd Iwan - Chief Executive, Plaid Cymru. Discussed enlargement, the single currency and the opportunities and threats posed by the EU for Wales.
- 28th of April 2003 Cardiff Business Club – Sir Rocco Forte spoke about the perils of the European Convention
- 3rd of June 2003 “where is Europe going?” New democracy marathon/ Vision 2020 conference at Cardiff’s temple of peace.

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